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Reconciling Performance: the drama of discipline in early modern Scotland, 1560-1610

Nikki M. Macdonald

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Thesis abstract

This thesis investigates the liturgical context of ecclesiastical discipline in early modern Scotland. The core question addresses the narrative being recounted within Protestant rituals of repentance, the liturgical expression of ecclesiastical discipline. Through an analysis of these rituals it is demonstrated that the primary narrative underpinning the performance of repentance is reconciliation with God and with neighbour. An examination of ceremonies officially authorised by the General Assembly, alongside descriptions of local practice, reveals how reconciliation was firmly embedded within the liturgical life of the Kirk. A secondary question addresses continuities and breaks with Scottish penitential practices prior to 1560. Although bringing a physical shift and 'decluttering' of performance space, many ritual continuities remained after 1560, especially in costumes, props, gestures and speech.

This thesis is divided into four sections. Section One focuses upon ritual penitential practices employed by the pre-Reformation Kirk c.1500-1560. The 'cluttered' stage, or stages, upon which rituals of repentance were performed is also analysed. These twin themes, focusing upon pre-Reformation practice and performance spaces, provide the base-line for the assessment of ritual continuity. Section Two moves the performance to the Protestant theatre of reconciliation, 1560-1610. After an initial exploration of the stages of discipline, rituals employed by the Kirk to effect neighbourly reconciliation are examined. They demonstrate how the expression of reconciliation and dispute settlement presents a potent visible representation of the harmonious community as the 'true' church. Moving from the harmonious community at the local level, Section Three investigates the liturgical performance of corporate repentance utilising the key text *The Order of the General Fast*. At both national and regional levels, corporate repentance became a visible expression of communal reconciliation to God and of the Protestant self-identification as the 'new Israel'. The focus of the final section concerns excommunication, the ultimate tool of ecclesiastical discipline, and a further authorised liturgy, *The Order of Excommunication and of Public Repentance*, is examined. Far from permanent exclusion, the ritual of excommunication was intended to be radical soul-saving surgery, designed to reconcile an offender with both God and neighbour. In contrast with other recent studies which have analysed ecclesiastical discipline within a judicial context, the liturgical context of discipline as performed in rituals of repentance is placed centre-stage.

Key words: ecclesiastical discipline, theatre of reconciliation, rituals, penance/ repentance, early modern Scotland, General Fast, excommunication, John Knox, Reformation

DECLARATION

I, Nikki M. Macdonald, hereby certify that this thesis, which is approximately 99,000 words in length, has been written by me, that it is the record of work carried out by me, and that it has not been submitted in any previous application for a higher degree.

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Acknowledgements

Over the course of this project there have been many lessons learnt and relearnt. Some concern the research itself; others are less obvious but no less important. Chief among these latter is that it is good to give thanks, and I am rather humbled by the support given by many before and during this work. Financially, the work could not have been undertaken without the generous provision of a studentship from the College of Humanities and Social Sciences at the University of Edinburgh. Grants from the Salveson Fund, the Hope Trust, and the Presbytery of Edinburgh were also received with grateful thanks; I would particularly like to thank the Rev. Jane Denniston for her assistance in relation to the two former.

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This work is dedicated to my father, Angus Malcolm Macdonald, with love and affection, and to my much-loved, and much-missed, grandmother Marie Magdalene Hillier.

Abbreviations

APGA	*The Acts and Proceedings of the General Assemblies of the Church of Scotland 1560 to 1618*, 3 vols., edited by Duncan Shaw, Scottish Record Society (Series) new ser., 26-28. Edinburgh: Scottish Record Society, 2004.
APS	*The Acts of the Parliaments of Scotland*, edited by T. Thomson and C. Innes, (12 vols), Edinburgh: 1814-75.
BCO	*Book of Common Order of the Church of Scotland: Commonly Known as John Knox's Liturgy*, edited by George W. Sprott, Edinburgh: W. Blackwood, 1901.
Canagait	*The Buik of the Kirk of the Canagait, 1564-1567*, edited by Alma B. Calderwood, Edinburgh: Scottish Record Society, 1961.
Chronicle	*The Chronicle of Perth: A Register of Remarkable Occurrences, Chiefly Connected with That City, from the Year 1210 to 1668*, edited by James Maidment, Edinburgh: Maitland Club, 1831.
DOST	*A Dictionary of the Older Scottish Tongue, from the Twelfth Century to the end of the Seventeenth*, William A. Craigie, Chicago, Ill., London: The University of Chicago Press; Oxford University Press, 1937. Online ed., edited by Susan Rennie, February 2004. http://www.dsl.ac.uk
EEBO	*Early English Books Online*, http://eebo.chadwyck.com
Fast	"The Order of the General Fast", in *The Works of John Knox*, edited by David Laing, 6:393–428. Edinburgh: Bannatyne Club, 1864.
FBD	*The First Book of Discipline* edited byJames, K. Cameron, Covenanters Press, 2004.
NAS	National Archives of Scotland
NLS	National Library of Scotland
ODNB	*Oxford Dictionary of National Biography*, edited by H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed., edited by Lawrence Goldman, January 2008. http://www.oxforddnb.com
OED	*Oxford English Dictionary*, Oxford: OUP. Online edition. http://www.oed.com
Order of Excommunication	"The Order of Excommunication and of Public Repentance", in *The Works of John Knox*, edited by David Laing, 6:449–470. Edinburgh: Bannatyne Club, 1864.

Perth	*The Perth Kirk Session books, 1577-1590,* edited by Margo Todd, 6 sixth ser., vol. 2, Woodbridge: Scottish History Society ; Boydell Press, 2012.
RPC	*The Register of the Privy Council of Scotland, [1545-1689]*, edited by Burton, John Hill, David Masson, Peter Hume Brown, and Henry Paton, 14 vols. Edinburgh: H.M. General Register House, 1877-98.
RPS	*The Records of the Parliaments of Scotland to 1707,* edited by K.M. Brown et al., (St Andrews, 2007-2012). http://www.rps.ac.uk.
RSTAKS	*Register of the Minister, Elders and Deacons of the Christian Congregation of St. Andrews Comprising the Proceedings of the Kirk Session and of the Court of the Superintendent of Fife Fothrik and Strathearn, 1559-1600*, edited by David Hay Fleming, 2 vols. Edinburgh: Scottish History Society, 1889-90.
SBD	*The Second Book of Discipline*, edited by James Kirk, Covenanters Press, 2004
Statutes	*The Statutes of the Scottish Church, 1225-1559. Being a Translation of Concilia Scotiae: Ecclesiae Scoticanae Statuta Tam Provincialia Quam Synodalia Quae Supersunt*, edited by David Patrick, Publications vol. 54. Edinburgh: Scottish History Society, 1907.
Works	*The Works of John Knox*, edited by David Laing, 6 vols., Edinburgh: Wodrow Society, 1846-64.

List of tables and illustrations

Introduction

Performing repentance: setting the stage for the Protestant theatre of reconciliation.[1]

> 'Sin writes histories, goodness is silent.' Johann Wolfgang von Goethe[2]

Goethe was wrong. While sin may write histories, goodness is not silent. This thesis records a history of sin and of goodness, both in noisy dialogue with each other on the subjects of alienation and affection. Among the 'fruits' of sin contained within this unquiet history are murmuring and blasphemy, idle talk and slander, flyting, fighting, and bloodfeud - a chronicle of individual and corporate transgression against God and neighbour. In the aftermath of such sins, the articulation of goodness is found amidst prescribed rituals of repentance - words and gestures of forgiveness and restoration performed within a theatre of reconciliation in response to sin.

The time-frame, place, and focus within which this particular conversation occurs is sixteenth century Scotland, as heard and seen through the Protestant liturgical expression of ecclesiastical discipline. The core question addresses the narrative being recounted within Protestant rituals of repentance, whilst a secondary question addresses ritual continuity of practice. Within the parameters of this thesis, sin and goodness are understood in terms of the status of relationship with God and neighbour. Sin, as described by John Calvin, was viewed as an estrangement, a turning away from the state of being in relationship with God. Calvin claimed that

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[1] Having reflected upon the drama of ecclesiastical discipline for some time, a comment concerning ritual in Margo Todd's groundbreaking work, *The Culture of Protestantism in Early Modern Scotland*, helped to crystallise my thinking in this area. In recognition of this, the title of the thesis introduction is taken from the chapter in her book concerning the performance of discipline. The comment itself is cited below in the discussion concerning wider research in the overall field. See Margo Todd, 'Performing Repentance', in *The Culture of Protestantism in Early Modern Scotland* (New Haven: Yale University Press, 2002), 127–182.

[2] '*Das Uebel macht eine Geschichte und das Gute keine.*' In Friedrich Wilhelm Riemer, *Mittheilungen über Goethe: Aus mündlichen und schriftlichen, gedruckten und ungedruckten Quellen*, vol. 2 (Berlin: Duncker und Humblot, 1841), 714.

'the impious' were 'utterly estranged from God.'[3] Sins, or sinful behaviour, were seen as the 'fruits' of that estrangement.[4] In contrast, goodness, as expressed by Calvin, was 'the turning of our life to God' in repentance.[5] Repentance demonstrated a desire to re-establish the relationship that had been broken as a result of sin.

The Protestant understanding and outworking of ecclesiastical discipline was shaped by a self-identification of Scotland as the 'new Israel', called to be 'a holy nation, God's own people.'[6] In parallel with the former Israel, the 'new Israel' bound itself to God by obedience to Old Testament law, specifically, the Ten Commandments. This communal code of practice, sub-divided into offences against God and those against one's neighbour, provided the framework within which to determine acceptable and unacceptable behaviour. Discipline was built upon this covenantal foundation: to break God's law was to jeopardise this special relationship with God and the blessings that came with it. Disobedience also brought with it the risk of God's displeasure - woes that threatened disorder and disharmony in the form of illness, natural disaster, or political and economic instability. The liturgical expression of ecclesiastical discipline was thus motivated by the desire to ensure that the covenant relationship was maintained. The drama of discipline was a ritual demonstration in word and deed of reconciliation.

This reconciling performance was conducted within the semi-private stage of the kirk session, or enacted under the wider public gaze within the regular diet of weekly communal worship. Alongside the restoration of broken relationships both divine and human, the performance of ecclesiastical discipline was designed to demonstrate

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[3] See John Calvin, *Institutes of the Christian Religion,* ed. John T. McNeill, trans. by Ford Lewis Battles, vol. 1, Library of Christian classics vols. 20 and 21 (Louisville: Westminster John Knox Press, 2006), 2.2.16, 275.

[4] Calvin, citing Gal. 5:19-21, notes the 'the works that come forth from it [sin] – such as adulteries, fornications, thefts, hatreds, murders, carousings – he [Paul] accordingly calls "fruits of sin", although they are commonly called "sins" in Scripture, and even by Paul himself.' Calvin, *Institutes 1*, 2.1.8, 250.

[5] Calvin, *Institutes 1,* 3.3.5, 597.

[6] 1 Peter 2: 9 states: 'but you are a chosen race, a royal priesthood, a holy nation, God's own people, in order that you may proclaim the mighty acts of him who called you out of darkness into his marvellous light.' Unless otherwise indicated, all scriptural texts are from the NRSV.

to a watching world what the 'true' church looked like. This ritual performance helped to underpin discipline as the third 'mark' of the church. Further, these rituals affirmed Protestants in their belief that they were the 'true' spiritual descendants of the early church, binding them together as a community through specific words and actions designed to inspire them to godly living.[7]

Verbally and visually, disciplinary rituals served to highlight to the godly and not so godly community the benefits [as well as the discomfort] that came with being in a covenant relationship with God. The context of reconciliation created a culture concerned with the 'common-wele' – the common good and well-being of those in the community. Through the mechanism of ritualised discipline and repentance, the church was able to provide social care, giving aid to the most vulnerable in society. Margo Todd, commenting on this social provision, notes:

> intervention in domestic violence, systematic arbitration of quarrels and feud, provision of poor relief and broader educational opportunities, and enforcement of paternal financial responsibilities were all high on the agenda of the Reformed church, which managed to address them effectively enough to build a base of community support for a system that otherwise might have been construed as distastefully invasive and innovative.[8]

The disciplinary framework itself also helped to provide a sense of stability and social control in a turbulent time when there was no police force to maintain order. The manner in which local disputes were heard, and at times settled, before kirk sessions helped to maintain a measure of social harmony.

In addition to encouraging social harmony, there was a psychological benefit. Ritual discipline provided a coping mechanism when faced with natural and human disasters. The sins of the individual affected the community. As such, the public performance of repentance was a demonstration to a watching God of the community's awareness of, and response to, the seriousness of sin in their midst.

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[7] The term 'mark' is used to describe the ways in which the 'true' church could be distinguished from the 'false'. Calvin held to two: the true preaching of the word, and the right administration of the sacraments. To this, Scotland added a third mark - the establishing of discipline. For a more detailed discussion see below, Section Two.

[8] Todd, *Culture*, 22-23.

Scottish Protestants, with their covenantal understanding and their awareness of the providence of God, could pin-point 'who' had brought the disaster, why it had occurred and, moreover, what to do in response.[9]

Commenting on the propitiatory nature of rituals of penance and expiation, Ninian Smart observes:

> this is because an individual or group wished to purify himself or itself for fear of some wrath or hostility on the part of the god ... Perhaps that anger has already been displayed through a natural disaster ... some weakness on the part of the worshippers is diagnosed as being relevant to the disaster. From this point of view it is appropriate to offer something up which will be seen as both ethical and ritual ... in making some sacrifice to the god the sacrificer tries to restore communication, and ease divine wrath.[10]

The humiliation incurred through the public performance of repentance by individuals provided one element of sacrifice in a culture that was honour-based and thus acutely aware of the importance of reputation and status. At the extreme end of Smart's observations on sacrifice, the scapegoating of individuals also occurred. An entry in *The Chronicle of Perth* demonstrates this principle in action. After a series of calamities in Scotland in the later 1590s, *The Chronicle* briefly states that 'ane great number of witches brint, through all partis of this realme in June 1597 yeiris.'[11]

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[9] The term 'covenantal' can mean a specific form of Reformed theology that began to emerge in the latter decades of the sixteenth century and this will be acknowledged below in Section Three, n.4, 143. Unless otherwise specified, however, the usage of the term in the thesis is to aid flow of reading by replacing the mid-Scots word 'cunnand' for agreement. Jane Dawson draws out the difference between these two terms in her forthcoming essay 'Bonding, Religious Allegiance and Covenanting' in *Kings, Lords and Men in Scotland and Britain: Essays in honour of Jenny Wormald*, eds Steve Boardman and Julian Goodare (Edinburgh University Press, Edinburgh, forthcoming 2014). I am grateful to Professor Dawson for supplying me with a copy of this essay in advance of publication.

[10] Ninian Smart, *Dimensions of the Sacred: an Anatomy of the World's Beliefs* (Berkeley: University of California Press, 1996), 112–113.

[11] *The Chronicle of Perth: A Register of Remarkable Occurrences, Chiefly Connected with That City, from the Year 1210 to 1668*, ed. James Maidment, (Edinburgh: Maitland Club, 1831), 7. As can be demonstrated by an impressive range of literature on the subject, it is important to note here that witchcraft and the fear of it was a highly complex issue and that the execution of those found guilty of witchcraft was not always performed in response to local or regional crises. Some useful works include, but are not limited to: Brian P. Levack, *The Witch-hunt in Early Modern Europe* (London and New York: Longman, 1995); Julian Goodare, "Women and the Witch-hunt in Scotland" in *Social History*, Vol. 23, No. 3, (Oct., 1998), 288-308; Julian Goodare, *The Scottish Witch-hunt in Context*, (Manchester: Manchester University Press, 2002); Stuart MacDonald, *The Witches of Fife: witch-hunting in a Scottish shire, 1560-1710* (East Linton: Tuckwell Press, 2001). A very helpful online resource is *The Survey of Scottish Witchcraft*, produced by the Scottish History Department at

Crisis also resulted in the call for the community as a whole to engage in acts of corporate humiliation to confront calamity through penitential fasting. Being bound together in communal repentance helped to emphasise group identity as the community of the faithful and furthered a sense of solidarity and spiritual kinship.

If the drama of discipline was a demonstration of reconciliation, the context of discipline was essentially relational; the boundaries created by its prescribed code of conduct symbolised both identity and belonging. Adam B. Seligman notes that:

> the performative aspect of ritual is critical because ritual addresses the relational aspects of role, and of self and other. Ritual both posits boundaries and allows the move between boundaries. By recognizing limits, ritual provides as well the vehicle for transcending them.[12]

Essentially liminal, Protestant ritual repentance was performed on boundaries which incorporated time and space – both physical and temporal – and, acknowledging the early work of Durkheim, the sacred and the profane.[13] Employing specially selected clothing, gestures, choreography, props, and speeches, early modern Scots made evident through ritual and symbol the boundaries of being in and belonging to a community in covenant with God.[14] Even for those deemed beyond the bounds of the godly community, the excommunicated, there were opportunities for the restoration of the severed relationship: while there was life, there was hope and spiritual medicine for healing.

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the University of Edinburgh. See http://www.shc.ed.ac.uk/Research/witches/introduction.html. The role of the Kirk as a mediator in neighbourly dispute is the subject of Section Two of this work, while a discussion on corporate penance and the particular factors that created tensions and turbulence is found in Section Three.

[12] Adam B. Seligman et al., *Ritual and Its Consequences: An Essay on the Limits of Sincerity* (Oxford: Oxford University Press, 2008), 12.

[13] Emile Durkheim, *The Elementary Forms of Religious Life*, trans. by Karen E. Fields (New York: Free Press, 1995).

[14] See further David Kertzer's discussion concerning organisations and the functions of ritual, in David I. Kertzer, *Ritual, Politics, and Power* (New Haven; London: Yale University Press, 1988), 14. With reference to ritual and the assertion of difference see Jonathan Z Smith, *To Take Place: Toward Theory in Ritual* (Chicago: University of Chicago Press, 1987), 109. Although this thesis describes the drama of discipline by providing both examples and case studies, the decision was made early on to avoid long detailed discussions, for example, of heights of repentance stools. These very specific details have been addressed by Todd in her chapter on discipline as examined through a cultural lens. The intention, instead, of the thesis has been to give more of an overview of the liturgical drama. See Todd, 'Performing Repentance', in *Culture*, 127–182.

The creation of rituals of repentance within a theatre of reconciliation was, however, no new invention created by Scottish Protestants. As such, the secondary question which this thesis considers concerns ritual continuity. James Kirk has observed that with the coming of reform, 'the penitential system of the medieval church was jettisoned.'[15] Whilst accepting that the Scottish Reformation brought with it changes of theology and praxis, the term 'jettisoned' is so strong that it essentially dismisses the fact that there was much more continuity of penitential ritual practice than has often been acknowledged. The 'true' church, while different, had a curiously familiar feel to it. In a wider context, continuity could be detected in the form of overarching themes, some of which have already been noted above: identity and belonging, inclusion and exclusion, sin and holiness, guilt and shame. Continuity was also found in a time-honoured penitential formula leading to absolution and restoration: contrition, confession, and satisfaction. Although a physical shift of 'stage' and a 'decluttering' of performance space occurred after 1560, ritual continuity within performance through the use of already well-known and understood ritual words, gestures, costumes, and props may have given both performers and audience a sense of déjà vu.

Chronology

The time-frame for the study is set within the years 1560 to 1610, focusing upon the first two generations of Scots living under an officially recognised Protestant disciplinary framework.[16] The rationale in choosing this specific chronology follows Michael Graham's very helpful insights concerning changes in ecclesial polity. The period reflects a time in which a nascent presbyterian polity was being established up to the reintroduction of the episcopacy by James VI. Graham notes that:

> the restoration to the bishops of their pre-Reformation disciplinary functions, and the delegation to them of exclusive control over the ultimate disciplinary sanction of excommunication marked a

[15] Kirk, while subsequently acknowledging that there were continuities in practice, focuses instead on the changes which occurred. See James Kirk, *Patterns of Reform: Continuity and Change in the Reformation Kirk* (Edinburgh: T. & T. Clark, 1989), xvi. Todd observes that 'traditional histories of the Scottish Reformation have too quickly claimed that the Reformers altogether discarded penance and the rites associated with it; in fact, the public confession of sin and demonstration of repentance not only remained in practice a rite of the kirk, it actually expanded to become arguably the central ritual act of protestant worship in Scotland.' Todd, *Culture*, 128–129.

[16] A generation, for the purposes of this study, is being counted as a 25 year period.

> philosophical rejection of the Reformed disciplinary order. Thus, the year 1610 marked not only the golden anniversary of the Scot's break with Rome, but also, at the highest level, the end of the disciplinary regime constructed by the first two generations of reformers ... The full presbyterian system would only be restored with the overthrow of the bishops in 1638, in circumstances far removed from those of 1610.[17]

Echoing this view, Ian Dunlop observes that 'the Assembly was the instrument of an attempted "theocracy," and it continued so to be in essence until approximately 1600.' In order to assert and preserve his own authority, James subsequently chose to undermine the authority of this 'instrument' of ecclesial authority.[18]

In a letter to the General Assembly in Glasgow on June 8 1610, King James made disparaging comments concerning the presbyterian form of governance, referring it to 'a sort of headless government.' The effect of such was likened to an 'incurable canker.' The logical 'remedy for this' clearly disordered and unhealthy form of governance was therefore the installation of bishops.[19] This latter development in polity affected the administration of church discipline. Excommunication, that most powerful of weapons in the disciplinary armoury, was brought back firmly under episcopal jurisdiction and was subsequently ratified in an Act of Parliament on 23 October, 1612.[20]

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[17] Michael F. Graham, *The Uses of Reform: 'Godly Discipline' and Popular Behavior in Scotland and Beyond, 1560-1610*, Studies in medieval and Reformation thought vol. 58 (New York: E.J. Brill, 1996), 161.

[18] Ian A. Dunlop, 'The Polity of the Scottish Church 1600-1637', *Records of the Scottish Church History Society* XII (1958): 165.

[19] *The Acts and Proceedings of the General Assemblies of the Church of Scotland 1560 to 1618*, vol. 2, ed. Duncan Shaw, Scottish Record Society new ser., 26-28 (Edinburgh: Scottish Record Society, 2004), 1483–1484.

[20] During the first decade of the seventeenth century, James moved inexorably towards the re-establishment of the episcopacy in law, as seen in series of parliamentary acts. On 9 July 1606, an Act of Parliament restored the estate of bishops, revoking the earlier Act of 1587. A further Act on 24 June 1609, the 'Act of the commissariats and jurisdiction given to archbishops and bishops', reinstated episcopal jurisdiction in matrimonial and testamentary matters. These Acts of civil law were reinforced within the ecclesiastical sphere through the letter James had written to the 1610 General Assembly noted above. The letter stated that: 'no sentence of excommunication, or absolution therefrom, be pronounced against or in favour of any person, without the knowledge and approbation of the bishop of the diocese, who must be answerable to his majesty for all formal and impartial proceedings therein; and the process, being found formal, the sentence to be pronounced at the direction of the bishop, by the minister of the parish where the offender dwells, and their process began.' See *APGA 2*, 1486. See Section Four for a more detailed discussion on this subject.

Sources and methodology

The key approach informing this study has been a close reading of texts including, but not limited to, church court records at kirk session, presbytery, synod, and General Assembly levels. Outwith church records the broader social context of dispute settlement has been examined using examples from burgh and other civil court records and in assythment agreements. Through examination of these materials an assessment has been made of the influence of the ecclesiastical practice upon the civic sphere and, conversely, civic practice upon the ecclesiastical, particularly in relation to the Kirk's influence in mediating bloodfeud.

Emerging from church court records, the conversation between sin and goodness can be heard through the voices of individual offenders, and through authorised liturgical scripts. Comparisons are made between printed Forms and Orders commissioned by the General Assembly in which are officially prescribed ritual practices and disciplinary procedures, and local practice as described by session clerks. At the national level, official texts, or 'scripts', examined in the study include *The Book of Common Order*, *The First Book of Discipline*, *The Order of the General Fast* and the *Order of Excommunication*, all published within the first decade of Protestant Scotland, as well as *The Second Book of Discipline* published in 1578.[21] In this manner, this thesis incorporates the drama of individual and collective penitential practices, exploring these at both local and regional levels.

[21] Concerning the use of the *Book of Common Order*, this study varies in its usage of editions. The reason for this decision is that, while Sprott follows the text of the 1611 edition of the *BCO* very closely for the most part, there are occasional misunderstandings, and thus mistranslations, of particular words. One example reflecting this is found in 'The Order of Excommunication and of Public Repentance', in which Sprott uses 'upon the notice of his crime' for 'upon the notorietie of his cryme.' Here, through the use of 'upon the notice', Sprott loses the original meaning of an offence that was known widely. Given this, the thesis uses Sprott for more general use, apart from Sections Three and Four, in which specific texts, namely 'The Order of the General Fast' and 'The Order of Excommunication' are the focus for much closer textual analysis. See *Book of Common Order of the Church of Scotland: Commonly Known as John Knox's Liturgy*, ed. George W. Sprott (Edinburgh: W. Blackwood, 1901), 34, and John Knox, 'The Order of Excommunication and of Public Repentance', in *The Works of John Knox*, ed. David Laing, vol. 6 (Edinburgh), 450–451; *The First Book of Discipline*, ed. James K. Cameron, (Covenanters Press, 2004); John Knox, 'The Order of the General Fast', in *The Works of John Knox*, ed. David Laing, vol. 6, 6 vols. (Edinburgh: James Thin, 1864), 393–428; *The Second Book of Discipline*, ed. James Kirk (Covenanters Press, 2004).

Patrick Rayner, commenting on kirk session records, observes that 'they are without doubt the most interesting, most amusing and most human of all the sources for the study of crime in early modern Scotland.'[22] Rayner's comment, especially the use of the word 'crime', highlights the important difference that this thesis has adopted in its approach to examining records overall. These 'most human' sources are analysed through a liturgical, not judicial, lens. Rather than assisting a 'study of crime', the official records of the Kirk are utilised to highlight the central purpose of ecclesiastical discipline as demonstrated by ritual practices, namely, reconciliation. These records have also been analysed to uncover evidence that demonstrates continuity of ritual practice.

The choice of chronology presents what could be considered a challenge with regard to available primary source material, specifically church records. This perceived difficulty can be attributed to the small corpus of written kirk records prior to 1610.[23] Of these, several of the written documents are considerably damaged, whether through mould, water damage, or missing or torn pages. Nevertheless, for the specific purposes of this study, namely, the analysis of repentance rituals, there is enough description of rituals employed within these records that provide useful insights into the drama involved within the theatre of reconciliation. Some of these records have been edited and published but most remain in manuscript form and are available in Edinburgh in the National Archives of Scotland and the National Library of Scotland.

Another potential perceived difficulty concerns the geographical origin of extant records. Considering that the greater volume of kirk session sources emanate from Lowland and urban areas, there is a certain regional bias that dictates the scope of the

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[22] Patrick Rayner, Bruce Lenman, and Geoffrey Parker, eds., *Handlist of Records for the Study of Crime in Early Modern Scotland (to 1747)*, Special series (London: Swift, 1982), 147.

[23] Graham and, latterly, Todd have compiled extremely helpful details of extant mss records within their respective bibliographies. See Graham, *Uses*, 349 and Todd, *Culture*, 413-416. Utilising the information provided by both, a table has been created in which the mss records specific to the time period relating to this study have been extracted. To this has been added printed primary sources, and both sets of records have been catalogued in chronological order, with the aims both of providing both an overview of available material and of aiding ease of reference. See Appendix 1, 243.

study. Given this bias, therefore, it is important to note that the picture emerging of the ritual performance of repentance is not necessarily indicative of attitudes for the whole of Scotland. Here the words of Audrey-Beth Fitch serve as a useful reminder when attempting to gauge popular attitudes. Fitch notes that:

> common religious beliefs and outlook are by their very nature difficult to ascertain, as they are so well understood and so widely shared by members of society that they form the basis for action rather than the subject for discussion ... lay attitudes ... were overwhelmingly articulated in action rather than words.[24]

Whilst paying heed to this warning, the value of the written and printed word is that it provides a foundational 'script' and thus, a starting point in this particular exploration.

While the key approach informing the study is by means of analysing primary historical materials, the study has also been informed to a lesser extent by the work of performance theorists such as Victor Turner. Turner's work on, and development of, what he terms 'generic social drama' has been of particular use as a loose framework within which to analyse the drama of corporate discipline discussed in Section Three of the thesis. Arising from Turner's observations of tribal rituals, 'generic social drama' contains within it four clearly defined stages: breach, crisis, redress, and positive or negative dénouement.[25]

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[24] Audrey Beth Fitch, *The Search for Salvation: Lay Faith in Scotland, 1480-1560* (Edinburgh: John Donald, 2009), 6.

[25] Briefly described, the dramatic cycle commences when a breach transgresses accepted social laws or customs. This breach, in turn, causes a crisis within the group disrupting the perceived harmony, raising tensions and leading to potential violence by those who align themselves with either the transgressors or the 'lawkeepers'. In order to restore harmony and resolve the crisis redress, generally in the form of ritual, is required. As Turner explains: 'when the community's integrality is thus threatened those held responsible for its continuity and for the structural form of its continuity, the polity, in short, move to counteract the contagion of continuing breach, and endeavour first to contain, then dispel the crisis.' Transgressors may be expelled, punished or required to perform some act acknowledging the transgression and demonstrate to the overall community their remorse. Having made redress the intended outcome is for a positive dénouement, or resolution, thus enabling the community's equilibrium to be restored. See further, Victor Turner, *From Ritual to Theatre: the Human Seriousness of Play*, Performance studies series (New York: PAJ Publications, 1982), 70–71, 109. Other performance theorists consulted include: Richard Schechner, *Performance Studies: An Introduction* (London: Routledge, 2002); Richard Schechner, *Performance Theory*, Routledge classics (London: Routledge, 2003); Simon Shepherd, *Theatre, Body and Pleasure* (London: Routledge, 2006); Gustav Freytag, *Freytag's Technique of the Drama: An Exposition of Dramatic Composition and Art*, trans. by Elias J. MacEwan (BiblioBazaar, 2008); Erving Goffman, *The Presentation of Self in Everyday Life*, (London: Penguin, 1990); Smith, *To Take Place*; Peter Brook, *The Empty Space* (London: Penguin Classics, 2008).

Overview of research in this area

While much valuable work has been directed towards the area of early modern ecclesiastical discipline, little analysis has been undertaken concerning the drama of discipline. The theatre of reconciliation, as seen within officially commissioned liturgies in theory, and as described in practice amongst kirk session records, has been largely overlooked. The majority of secondary literature has viewed discipline through a judicial lens, and separated it from its wider context within that central defining act of the Protestant community, worship.[26] Viewed in such a manner, an erroneous impression concerning the primary intent of discipline has been created, namely, that it was for the purposes of social control. While it is not disputed that discipline brought with it a large degree of social control, what is disputed is that this was the primary function; rather, it was an effect. This thesis offers a different lens through which to view ecclesiastical discipline, analysing it liturgically and keeping discipline within the wider worship arena. When viewed through this liturgical lens, a clearer, sharper picture concerning the purpose of discipline emerges; it shows a community, which through the performance of ritual, is primarily concerned with reconciliation – to God and to neighbour.

This thesis also brings together two important forms of worship in early modern Scotland, offering the only liturgical analysis of them at this point: the *Order of Excommunication and of Public Repentance* and the *Order of the General Fast*. The latter liturgy has been astonishingly overlooked; apart from an excellent overview in an article by Ian Hazlett, and several pages given over to it by Jane Dawson and Margo Todd, no major study has been undertaken of this fascinating document.[27] As such, Section Three of this thesis covers relatively unchartered territory. There is yet

[26] While gender has been the subject of study within this field, it has primarily reflected concerns with the social control of women and, as such, falls within the 'majority' lens. Other lenses used through which to view discipline have been the political and the theological.

[27] W. Ian P. Hazlett, 'Playing God's Card: Knox and Fasting', in *John Knox and the British Reformations*, ed. Roger A Mason, St. Andrews Studies in Reformation History (Aldershot: Ashgate, 1998), 176–198; Todd, *Culture*, 344-352; Jane E. A. Dawson, 'Discipline and the Making of a Protestant Scotland', in *Worship and Liturgy in Context: Studies and Case Studies in Theology and Practice*, eds. Duncan B. Forrester and D. Gay (London: SCM, 2), 123–136. In a wider discussion on fasting in early modern Britain, brief reference to the liturgy is also made in Alec Ryrie, 'The Fall and Rise of Fasting in the British Reformations', in *Worship and the Parish Church in Early Modern Britain*, eds. Natalie Mears and Alec Ryrie, St Andrews studies in Reformation history (Farnham: Ashgate, 2013), 89–108.

more work that could be done, and suggestions for further exploration of the document are given in the conclusion of this thesis .

Concerning wider work in the subject area, Michael Graham has published extensively on discipline in sixteenth century Scotland, however he has tended to examine kirk session records largely within the social control framework. His major study, *The Uses of Reform: Godly Discipline and Popular Behaviour in Scotland and Beyond, 1560-1610,* aims 'to trace briefly the intellectual and practical origins of the system, and then to examine closely its imposition and practice in one region – lowland Scotland – in the late sixteenth and early seventeenth centuries.'[28] Graham's work provides a useful insight into the regulation of everyday life and how the civil and spiritual swords worked together, as well as independently, concluding that 'without the backing of such authorities the disciplinary apparatus [of the kirk] would have been toothless.'[29] Also helpful are the various tables listing types, and frequency, of offence brought before different kirk sessions as well as a gender breakdown of offences committed. Other studies by Graham also follow a similar line of enquiry, however there has been little in the way of an analysis of the sources within the context of ritual performance and reconciliation.

Another essay focusing upon the use of discipline as a form of social control is Bruce Lenman's work 'The Limits of Godly Discipline'. Lenman, going down a legal avenue, discusses both the acceptance and rejection of discipline within society and

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[28] Graham, *Uses*, 2.

[29] Graham, *Uses*, 345. A useful discussion concerning discipline and social status can be found in Chapter Seven of *Uses*, while Chapter Eight of the same has an excellent discussion on gender, sexuality and discipline. See also Michael F. Graham, 'Social Discipline in Scotland, 1560-1610', in *Sin and the Calvinists: Morals Control and the Consistory in the Reformed Tradition*, ed. Raymond A. Mentzer, vol. xxxii, Sixteenth Century Essays and Studies (Kirksville: Sixteenth Century Journal Publishers, 1994), 129–158. On the dynamic between civil and spiritual sword see Michael F. Graham, 'The Civil Sword and the Scottish Kirk in the Late Sixteenth Century', in *Later Calvinism: International Perspectives*, ed. W. Fred Graham (Kirksville: Sixteenth Century Publishers, 1994), 237–48. Although set in a later time period, helpful insights regarding the implications for discipline when the civil sword was less closely tied to church discipline, as well as on discipline and gender issues, can be found in Stewart J. Brown, 'No More "Standing the Session": Gender and the end of Corporate Discipline in the Church of Scotland, c. 1890-c. 1930', in *Gender and Religion*, ed. R. N. Swanson, Studies in Church History Subsidia 34 (Oxford: Blackwell for the Ecclesiastical History Society, 1998), 447– 460. Study in the area of gender and discipline in Early Modern Scotland has also been undertaken by Leah Leneman and Rosalind Mitchison. Amongst their work see Rosalind Mitchison and Leah Leneman, *Sexuality and Social Control Scotland 1660-1780* (Oxford: Basil Blackwell, 1989).

examines the relationship between sin and crime.[30] The links between sin and crime are also the focus of an essay by Geoffrey Parker, with particular regional reference to St Andrews.[31] Again, in both works, little attention is paid to examining the performance of rituals of repentance and the place of reconciliation within the overall disciplinary framework.

Discipline, as a 'mark' of the Church, and its use within the context of establishing a Reformed Church in Scotland is examined by Jane Dawson in several essays. In her study, '"The Face of Ane Perfyt Reformed Kirk": St Andrews and the Early Scottish Reformation,' Dawson places discipline within the context of St Andrews' reception, and establishment, of Protestant Reform.[32] She highlights discipline and the maintenance of public morality as a means by which to contrast 'true' and 'false' Church. Through the use of a case study concerning excommunication, that of John Biccarton, Dawson also demonstrates a positive aspect of discipline, namely, its 'restorative' aspects.[33] Certainly, the latter theme will be drawn upon and examined in greater depth in this study, particularly in Section Four concerning reconciliation rituals and those who have been excommunicated. Another Dawson essay, 'Discipline and the making of Protestant Scotland', while including a discussion on the drama of penitential performance within worship, again focuses on the 'true' Church/ 'false' Church motif with regard to discipline and the health of the Church. Dawson observes that:

> by clearly displaying the three marks, the Scottish Kirk could substantiate its claim to be a 'true' Church and could boast of being one of the 'best reformed' in Europe. Being an outward sign of the building up or 'edification' of the Church described in the Pauline epistles, the strict enforcement of discipline offered the best indication of a Church's healthy growth.[34]

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[30] Bruce Lenman, 'The Limits of Godly Discipline', in *Religion and Society in Early Modern Europe: 1500-1800*, ed. Kaspar von Greyerz (London: Allen and Unwin, 1984), 124–145.

[31] G. Parker, 'The Kirk by Law Established', in *Sin and the Calvinists: Morals Control and the Consistory in the Reformed Tradition*, ed. Raymond A. Mentzer, vol. xxxii, Sixteenth Century Essays and Studies (Kirksville: Truman State University Press, 1994), 159–197.

[32] Jane E. A. Dawson, '"The Face of Ane Perfyt Reformed Kyrk": St Andrews and the Early Scottish Reformation', in *Humanism and Reform: The Church in Europe, England and Scotland, 1400-1643: Essays in Honour of James K. Cameron*, ed. James Kirk, Studies in Church History 8 (Oxford: Blackwell for the Ecclesiastical History Society, 1991), 413–435.

[33] Dawson, "Ane Perfyt Reformed Kyrk", 431.

[34] Dawson, 'Discipline', 124.

The communal context of discipline is brought out in a brief exploration of fasting, with particular reference to the General Fast, and themes of restoration and purity are touched on.[35]

Linda Dunbar's work *Reforming the Scottish Church: John Winram and the example of Fife* is primarily a discussion on John Winram and his role within the reform of the Scottish Church. It does, however, provide a useful regional study on the implementation of discipline within Fife and on the role and burdensome lot of the superintendent.[36] The region of Fife is also the focus of John McCallum's recently published thesis, *Reforming the Scottish Parish: the Reformation in Fife 1560-1640*.[37] McCallum's references to discipline concern structure and function, as well as disciplinary activities – offences which sessions dealt with in the course of their duties – and further, attempts to measure how successful the implementation and administration of discipline was within Fife. However, there is no analysis of actual ritual penitential performance. One study which does specifically focus upon the area of performance within sixteenth century society is John McGavin's *Theatricality and Narrative in Medieval and Early Modern Scotland*.[38] However, while this work briefly notes the performance of Protestant rituals of repentance and reconciliation, they are only part of a much wider sweep of aspects of performance in Scottish society.

Beyond Scotland the historical and theological development of Reformed discipline has been examined in J. Wayne Baker's study, 'Christian Discipline and the Early Reformed Tradition: Bullinger and Calvin,' and his essay, 'Church Discipline or Civil Punishment: on the Origin of the Reformed Schism, 1528-1531.'[39] Philip Gorski traces the political

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[35] Dawson, 'Discipline', 125, 134ff.

[36] Linda J. Dunbar, *Reforming the Scottish Church: John Winram (c. 1492-1582) and the Example of Fife*, St. Andrews studies in Reformation history (Aldershot: Ashgate, 2002).

[37] J. McCallum, *Reforming the Scottish Parish: The Reformation in Fife, 1560-1640* (Farnham: Ashgate, 2010).

[38] John J McGavin, *Theatricality and Narrative in Medieval and Early Modern Scotland*, Studies in performance and early modern drama (Aldershot ; Burlington, VT: Ashgate, 2007).

[39] J. Wayne Baker, 'Christian Discipline and the Early Reformed Tradition: Bullinger and Calvin', in *Calviniana: Ideas and Influence of Jean Calvin*, ed. Robert V Schnucker, Sixteenth century essays & studies vol.10 (Kirksville, Mo: Sixteenth Century Journal Publishers, 1988), 107–119; Baker, 'Church Discipline or Civil Punishment: On the Origin of the Reformed Schism, 1528-1531', St Andrews University Seminary Studies (1985): 3–18.

context of discipline and state formation in his book, *The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe*.[40] Meanwhile in his wide-ranging work concerning the development of the culture of Calvinism, *Christ's Churches Purely Reformed: a Social History of Calvinism*, Philip Benedict devotes a chapter to Scotland, noting the defining marks of Calvinism within a Scottish context as well as providing some helpful comments on comparisons of discipline.[41]

Amongst unpublished theses which explore discipline within the Scottish Protestant arena, the work by Peter Symms, *Social Control in a Sixteenth-Century Burgh: A Study of the Burgh Court Book of Selkirk 1503-1545*, focuses on social control, as does the research of Gordon DesBrisay in his thesis *Authority and Discipline in Aberdeen, 1650-1700*. John W. Prugh, in his study, *The Theory and Practice of Discipline in the Scottish Reformation*, examines discipline through a theological lens.[42]

The work most directly affecting this study is Margo Todd's *The Culture of Protestantism in Early Modern Scotland*, which notes the influence of discipline upon both Scotland's religious and cultural landscape. A great strength of Todd's work is her attempt to obtain a 'view from the pew.' Utilising Graham's catalogue of primary source material, and adding to this list extensively, Todd argues that the kirk session was at the heart of transforming Scotland into a Protestant society: 'the culture that was established by that system of parochial sessions in the seventy or eighty years following official reformation.'[43] She undertakes a painstaking and heroic trawl through numerous session and presbytery records, bringing to light snapshots of the lives of ordinary people, their reactions to the process of discipline and how discipline affected and influenced them.

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[40] Philip S. Gorski, *The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe* (Chicago: University of Chicago Press, 2003).

[41] Philip Benedict, *Christ's Churches Purely Reformed: A Social History of Calvinism* (New Haven [Conn.]: Yale University Press, 2002), 152–172.

[42] Peter Symms, *Social Control in a Sixteenth-Century Burgh: A Study of the Burgh Court Book of Selkirk 1503-1545*, (PhD thesis, Edinburgh University, 1986); Gordon DesBrisay, *Authority and Discipline in Aberdeen, 1650-1700* (PhD Thesis, University of St Andrews, 1989); John W. Prugh, *The Theory and Practice of Discipline in the Scottish Reformation* (PhD thesis, Edinburgh University, 1960).

[43] Todd, *Culture*, 14.

Todd devotes a chapter of her book, entitled 'Performing Repentance', to discipline, in which she makes some observations concerning penitential performance and continuities. However this is treated within the overall context of identifying characteristics of Protestant culture in Scotland. Todd acknowledges that there is indeed a gap in examining the performance of rituals of reconciliation, noting that:

> a close analysis of penitential rites in post-Reformation Scotland will provide a useful step towards sorting out some of the complexities of interpreting a ritual that, performed at least weekly, in one way or another affected every member of the early modern Scottish parish – rich or poor, godly or profane, lay or clerical, male or female. [44]

The above comment provided a personal prompt to continue an investigation already begun on the dramatic context of discipline.

Thesis structure

Overall, this work is divided into four sections, in each of which are contained several chapters. Designed to enable a later demonstration of continuities of ritual after 1560, Section One examines the ritual performance of penance in Scotland prior to Protestant reform, and is subdivided into two chapters. Chapter One surveys the sacrament of penance as understood in the sixteenth century. The chapter examines why penance was perceived to be necessary through a consideration of the theoretical and judicial frameworks within which rituals of reconciliation were staged. Chapter Two moves from this broader discussion to an analysis of rituals of reconciliation in practice. The primary official 'script' employed in this chapter is Archbishop Hamilton's *Catechism*, which acts as guide by which to frame the discussion. Attention is given both to the variety of rituals available to penitents, and the various stages upon which these reconciling rituals were performed. Emerging from this, consideration is given to the dispersed nature of ritual acts of reconciliation, and what is termed the 'cluttered' stage. These themes are revisited later in the work to assess both changes and continuities of ritual practice.

Section Two moves the focus of performance to the Protestant theatre of reconciliation, 1560-1610, and contains three chapters. In response to the first

[44] See Todd, *Culture*, 128.

section of the thesis, Chapter Three provides an overview of the Protestant context of the drama of discipline. The theoretical and judicial frameworks containing the Protestant theatre of reconciliation are discussed, with reference to the 'decluttering' of the stage and the movement of ritual penitence to the centre of the community within worship. While there was a deal of ritual continuity, the theological change of attitude visibly informed the performance arena. These two issues affected the staging within which Protestant rituals were performed. After this initial survey Chapters Four and Five consider the role of the Kirk in conflict resolution as part of its aim to promote the godly community as one of harmony and good order. Chapter Four focuses upon verbal dispute, while Chapter Five addresses rituals used when the war of words escalated into physical violence, and also assesses the effectiveness of the Kirk in mediating bloodfeud.

Corporate rituals of repentance are the focus of Section Three. While other Protestant regions in early modern Europe practised corporate fasting, only the British Isles had, in England and in Scotland, printed and authorised liturgical orders for fasting. Arranged into two chapters, the first discusses the motivations behind Scottish corporate repentance, noting the rights and responsibilities which came with the Protestant self-identification as the 'new Israel', and the impact upon behaviour and ritual when holding a particular providential view of God. Chapter Seven concentrates on what became the liturgical template for corporate fasting in Scotland, the much overlooked *'Order of the General Fast'*. The ritual instructions provided in the *Order* will be analysed through a series of tables.

The focus of the final section of this thesis concerns excommunication, the ultimate tool of ecclesiastical discipline, and considers another authorised liturgy, *'The Order of Excommunication and of Public Repentance'*. Given the manner in which the primary liturgical source divides itself between excommunication and reconciliation, this section adopts a similar pattern. Chapter Eight considers the ritual practice of excommunication, noting the long disciplinary journey required to reach the point of being severed from the community. Chapter Nine turns to an examination of the purpose of excommunication: restoration of the sinner. The chapter investigates the way in which rituals were used in the process of reconciling those who had been cast from the godly community. Chapter Ten provides several case studies through which

the rituals of severing and receiving sinners are analysed. As in Section Three, tables will be utilised to analyse the liturgical movements involved within the ritual drama.

The work concludes with a discussion concerning both the primary and secondary questions of this thesis. First, what narrative was being recounted through the rituals employed within the drama of discipline? Second, within the new religious regime, what evidence was there for continuity of ritual practice within discipline? Throughout this work, an ongoing continuity of story is demonstrated, namely, that the primary narrative of ecclesiastical discipline, as seen within its liturgical expression, was one of reconciliation. In response to the secondary question the thesis demonstrates a surprising amount of ritual continuity after 1560 even though the disciplinary stage and performance had been simplified. In contrast to Goethe's observation on sin and goodness, as will be seen throughout this thesis, the chattering hum emerging from primary sources in this study demonstrates that the first two generations of Scottish Protestants were busily immersed in the dialogue between sin and goodness.

Section One/

Reconciling the soul: the drama of discipline in pre-Reformation Scotland

Prelude

> Kennis thow nocht that the gentilness of God leidis the to pennance? as he mycht say: Quhair God for thi synnis mycht punisch the incontinent, yit he spairis the and differris his punitioun to that effect that thow may ken the lang sufferance of God and turne to pennance.[1]

Prior to the establishment of Protestantism by Parliament in 1560, the liturgical expression of ecclesiastical discipline was seen and heard within the sacrament of penance. The staging of this penitential drama required both a jurisdictional and a theoretical framework within which to work. While both affected the performance of penitential rituals, each had different emphases. The first informed what constituted unacceptable behaviour within the godly community and how ecclesiastical discipline was enforced. The latter provided both meaning to and direction of the performance for those involved, through the orchestration of ritual words, gestures, and symbols. As such, this latter will be the main focus for consideration in this overall section. As the only official statement of faith produced by the Scottish church in the sixteenth century, the major primary source employed in this section is Archbishop Hamilton's *Catechism*. Chapter One briefly addresses the importance of the Mass, defines penance and notes why it was necessary. A discussion on spiritual jurisdiction and the priestly power of the keys follows. The actual performance of the stages of penance is discussed at greater length in Chapter Two. An extract from the *Catechism* outlining the stages of penance leading to absolution will be used to arrange this discussion.

[1] John Hamilton, *The Catechism of John Hamilton, Archbishop of St. Andrews, 1552*, ed. Thomas Graves Law (Oxford: Clarendon Press, 1884), 217. The *Catechism* is referencing Romans 2: 4: 'Or do you despise the riches of his kindness and forbearance and patience? Do you not realize that God's kindness is meant to lead you to repentance?'

Chapter One/ 'Quhen thoug hais maid thi saule faire and clein'[2]

> Cum to the buird of God with ane hail and constant faith, trowand sickerly that thou ressavis Christ Jesu quhilk apon the crosse sched his blud, to wesche the fra thi synnis, quhilk deit to recounsale the to the father eternal, that maid just and perfit satisfactioun for all thi synnis, that redemit the fra the devil and hel, and hes deservit for the kingdom of hevin.[3]

A discussion of the Scottish liturgical expression of ecclesiastical discipline prior to July 1560 must necessarily begin with the Mass. This key sacrament was focused utterly upon reconciliation. Upon the altar, in bread and in wine, Christ's sacrifice of reconciliation on the cross on behalf of humanity was re-enacted: God was present among his own, sustaining, nourishing, and saving. Audrey-Beth Fitch notes that the celebration of the Mass 'was believed to bring remission of sins, reconciliation with God and eternal happiness in the afterlife, and to be the spiritual sustenance of suffering humanity on earth.'[4] Access to the Mass was therefore vital for both earthly and spiritual well-being, in the present and for eternity.

In his *Catechism* of 1552, Archbishop John Hamilton stressed the fundamental importance of the Mass in relation to the godly community.[5] Proper participation in

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[2] Hamilton, *Catechism*, 214.

[3] Hamilton, *Catechism*, 213.

[4] Fitch, *Search*, 185.

[5] Commissioned by the Scottish Provincial Council in January, 1552, and printed in August of that year, the *Catechism* of Archbishop John Hamilton was the only official statement of faith produced by the church in Scotland prior to the Reformation. Written as an instruction manual for both clergy and laity alike, the *Catechism* aimed to counteract false teaching through a presentation of the true substance of the faith. As such, the *Catechism* claimed to contain: 'the sowmme of our christian doctrine, agreand in all points to the wordis of halye scripture, trew expositioun of the auld and catholyk doctouris, and in materis of contraversie, agreand to the decisiouns and determinatiouns of general counsallis, lauchfully gaderit in the halye spreit for the corroboratioun of our faith.' This user-guide to the faith, written in the vernacular, was designed to be read clearly and reverently by the clergy to their congregations during worship on those Sundays and holy days when no sermon was scheduled. The Council set out a sliding scale of fines within Statute 254 to encourage clergy to comply with its wishes. While commissioned by Archbishop Hamilton, and known as *Hamilton's Catechism*, the author is believed to have been Richard Marshall, an English Dominican friar, who attended the 1549 Provincial Church Council. See further Hamilton, *Catechism*, 5; *The Statutes of the Scottish Church, 1225-1559. Being a Translation of Concilia Scotiae: Ecclesiae Scoticanae Statuta Tam Provincialia Quam Synodalia Quae Supersunt*, ed. David Patrick, Publications vol. 54 (Edinburgh: Scottish History Society, 1907), 143; *Statutes*, 147; Janet P. Foggie, 'Hamilton, John (1510/11–1571)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com/view/article/12102, accessed March 18 2012].

the Mass brought both individual and societal benefit, creating harmony – a 'perfite unitie, concord and paice of christin pepil.'[6] Improper participation could be fatal. With reference to 1 Corinthians 11:27-30, Hamilton demonstrated the dire consequences of unworthy participation in the Mass, stating that:

> as all christin men and wemen, quhilk worthily ressavis the body of our Lord in this precious sacrement thai get the sevin spiritual frutis afore rehersit, sa al thai quhilk ressavis the same sacrament unworthily, thai ressave it to thair jugement and eternal damnatioun, ye and ofttymes thai ar punissit be God in this present warld be temporal paynis of weaknes, sicknes and dede.[7]

Only those with pure hearts free from sin were considered worthy to be admitted.

There was, however a difficulty: in accordance with canon law, all were required to participate in the Mass a minimum of once a year or face excommunication. The law in question, Canon 21 of the Fourth Lateran Council of 1215, did however provide a solution to the problem of ensuring proper participation at the Mass.[8] Prior to the annual Mass participation, all Christians were expected to prepare by making confession and undertaking the subsequent satisfaction, or penance.[9] Commenting

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[6] Hamilton, *Catechism*, 212.

[7] Hamilton, *Catechism*, 211. 1 Cor. 11:27-30 states: 'whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be answerable for the body and blood of the Lord. Examine yourselves, and only then eat of the bread and drink of the cup. For all who eat and drink without discerning the body, eat and drink judgement against themselves. For this reason many of you are weak and ill, and some have died.'

[8] Canon 21 stated that: 'All the faithful of either sex, after they have reached the age of discernment, should individually confess all their sins in a faithful manner to their own [parish] priest at least once a year, and let them take care to do what they can to perform the penance imposed on them. Let them reverently receive the sacrament of the eucharist at least once a year, at least at Easter unless they think, for a good reason and on the advice of their own priest, they should abstain from receiving it for a time. Otherwise they shall be barred from entering a church during their lifetime and they shall be denied a christian burial at death. Let this salutary decree be frequently published in churches, so that nobody may find pretence of an excuse in the blindness of ignorance.' *Decrees of the Ecumenical Councils: Nicaea I to Lateran V*, vol. 1, ed. Norman P. Tanner, (London: Washington, DC: Sheed & Ward, 1990), 245.

[9] The regularity of confession prior to Lateran IV has been the subject of debate amongst historians: did Canon 21 merely put in writing what had already evolved in practice, or was it a new requirement? Those who argue against innovation include Raymonde Foreville and Bernard Poschmann, while those championing innovation include Colin Morris and Henry Lea. Given that Innocent III was concerned with both reformation and a regulation of practice, and that these were the two key themes driving Lateran IV, the case for innovation is rather compelling. See Raymonde Foreville, 'Lateran IV Council (1215)', in *The Papacy: An Encyclopedia*, vol. 2 (New York: Routledge, 2002), 897; Bernhard Poschmann, *Penance and the Anointing of the Sick* (Freiburg: Herder, 1964), 139–140; Colin Morris, *The Papal Monarchy: the western church from 1050 to 1250*, Oxford history of the Christian Church (Oxford: Clarendon, 1989), 371, 436–437; Henry

upon the implications of Canon 21, Henry Lea observes that 'the whole theory and practice of confession had to be worked out after 1215.'[10] Further, he states that:

> the enforcement of confession as a part of church discipline worked a change so profound, not only in practice but in the theory of the sacrament, that necessarily a cloud of questions arose which were discussed with the untiring acumen characteristic of this period of theological construction.[11]

Framed within the wider context of the sacrament of penance, the canonical requirement brought about by the Fourth Lateran Council created an ongoing conversation concerning the theory and performance of this preparatory sacrament, now necessary to gain access to the Mass. These ongoing developments, affecting the whole of Western Christendom, were naturally reflected in the Scottish understanding of the theory and the performance of the sacrament in all its constituent parts. What, however, was penance? In light of the 'cloud of questions' arising from 1215, how was penance being defined, and how was it performed?

Defining penance

Between the years 1223 and 1227, Alexander of Hales reformatted Peter Lombard's *Sentences*; this particular version became the key theological text informing doctrine and practice from the high to the end of the late medieval period. Amongst those who wrote commentaries on Lombard's work were Aquinas, Ockham, and Scotus. Lombard defined penance as 'both a sacrament and a virtue of the mind.'[12] This definition encapsulated both act and attitude: the ritual act of penance, and the attitude of the penitent. It was a sacrament, in that the outward sign for the remission, or forgiveness, of sins was the act of absolution performed by a priest upon the penitent. This outward sign pointed to the inward work of reconciliation of the penitent to God. Penance was, by its nature, a healing sacrament: it restored the spiritual health of the penitent, turned disorder brought about by sin into order, and healed the broken relationship with God and the church.

Charles Lea, *A History of Auricular Confession and Indulgences in the Latin Church*, vol. 1 (Philadelphia: Lea Brothers, 1896), 171–172.

[10] Lea, *History*,171–172.

[11] Lea, *History*, 236.

[12] Peter Lombard, *The Sentences*, ed. Giulio Silano, vol. 4, Mediaeval sources in translation 48 (Toronto: Pontifical Institute of Mediaeval Studies, 2010), 70.

Penance was a 'virtue' by nature of the journey it made into the inner landscape of the heart and soul – an examination of the conscience. Lombard noted this penitential virtue as a process that led the penitent to 'bewail and hate, with purpose of amendment, the evils we have committed, and we will not to commit again the things.'[13] In this statement, Lombard underscored the necessity for behavioural change. The penitent was to avoid the temptation to sin by inclining the will to good, thus developing an habitual rejection of sin. Drawing out the disciplinary aspect of penance, Lombard also stated that 'it is called penance from "punishing," and by it each one punishes the illicit things which he has done. The virtue of penance has its beginnings in fear.'[14] The double definition of penance was further teased out in the early thirteenth century by the monk Caesarius of Heisterbach in his popular book *Dialogue on Miracles*. Whilst retaining an outward and an inward motif, he made a differentiation between what he believed to be repentance and penance, observing that 'repentance is the inward pain that takes away guilt; penance is the outward satisfaction that wipes out the penalty due to the sin.'[15]

Hamilton's *Catechism* reflected the theoretical and practical developments surrounding confession and penance in the intervening centuries after Lateran IV. Defining penance, the *Catechism* stated that it was a 'conversioun and turning of a mannis hart to God fra all his synnis with ane inwart sorrow, greif, or displesure.'[16] Employing a well-used metaphor borrowed from Jerome, penance was described as the 'buird', or plank, 'ordanit to saif al thame that ar schipbrokin eftir Baptyme.'[17]

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[13] Lombard, *Sentences*, 71.

[14] Lombard, *Sentences*, 70.

[15] Here it is helpful to note the different meanings of penance. It can be shorthand for the entire sacrament of penance itself, or refer to the stage of satisfaction within the sacrament; thus penance as 'satisfaction.' Caesarius' book was written c. 1223. See Caesarius, *The Dialogue on Miracles*, trans. H. Von E. Scott and C. C. Swinton Bland, vol. 1, Broadway medieval library (London: George Routledge and Sons, Ltd., 1929), 62.

[16] Hamilton, *Catechism*, 216.

[17] Hamilton, *Catechism*, 217. Cyprian referred to the church as the ark of salvation, citing 1 Peter 3:20-21: the 'one ark of Noah was a type of the one Church. At that time it was impossible for anyone not in the ark to be saved by water, in that baptism of a cleansed and purified world.' Letter 69.2, in Cyprian, 'Letters 69 and 73: the Baptismal Controversy' in *Early Latin Theology. Selections from Tertullian, Cyprian, Ambrose and Jerome*, ed. Stanley Lawrence Greenslade, Library of Christian Classics vol. 5 (London, 1956), 151. This metaphor of penance as 'the second plank after shipwreck' was coined by Jerome, and later employed by Lombard who noted: 'if anyone has corrupted by sin the clothing of innocence which he has received at baptism, he may repair it by the remedy of penance. The first plank is baptism ... the second, penance, is the one by which we rise again after having fallen, while the old nature which has returned is driven away then the lost

Baptism rescued humanity from separation to God caused by Original Sin; penance rescued humanity thereafter upon the breaking of 'the promis of faith and obedience maid in baptyme'.[18] Those who had broken the faith were enjoined to 'entir in to the schip of Pennance' and so be saved.[19]

Baptism, the first plank, was an unrepeatable ritual; this second plank, however, was repeatable and regarded as 'necessarie for mannis salvatioun ... without it, na man that offendis God, can be saiffit and get evirlasting lyfe.'[20] Due to the repeatable nature of penance, the sacrament became the chief means by and through which the church reconciled the community of the faithful to both God and each other.[21] As Christ had made satisfaction upon the cross for the sins of all, so the godly were to make satisfaction for their own sins within the structure of the sacrament of penance. Those rituals performed within the reconciling sacrament of penance acted as a preparation to gain access to, and be nourished by, the divine demonstration of reconciliation, the Mass.

Drawing upon an understanding of the obligations of hospitality, the *Catechism* compared preparation for the Mass to the preparations one would make should the king visit:

> Gyf thou war to ressave ane king to thi house, thow wald nocht fail to clenge thi house and mak it clein with all thi diligence, thow wald put on thi best rayment that thow mycht ressave him with honestie to his pleisure. And sen so it is that thow art to ressave the king of al kingis in to the house of thi saule, ressave him with ane cleine conscience.[22]

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newness is again taken up. Those who have fallen after baptism may be renewed by penance, but not by baptism; it is lawful for a man to repent several times, but not to be baptized several times.' See Lombard, *Sentences*, 69–70.

[18] Hamilton, *Catechism*, 218.

[19] Hamilton, *Catechism*, 218.

[20] Hamilton, *Catechism*, 216.

[21] The *Catechsim* emphasises the non-repeatable nature of baptism, stating that after baptism, a person 'cummand to the use of his awin fre will, actually transgres and breikis the commandis of God and sa fallis into the spititual sicknes of his saul, quhairof he can nocht get remeid be Baptyme, for it suld nocht be ressavit agane.' Providing a remedy, Christ 'hais ordanit the sacrament of Pennance as ane spiritual medicyne to be given to al thame that ar sick in thair saule be dedlie syn.' Hamilton, *Catechism*, 216.

[22] Hamilton, *Catechism*, 213–214.

Given this analogy, the implication was that lack of preparation was a gross dishonouring of God. Or, as Fitch states, it was seen as 'a direct attack on God and Jesus himself, and likely to make the rite ineffective and so harm the very fabric of humanity's relationship with the Godhead.'[23] It was the task of the church to ensure that no harm was done.

Spiritual Jurisdiction

In the ongoing quest to regulate and reconcile the lives of those within – and without – the church, the long jurisdictional arm of the church reached far out into the world. In common with the rest of the Christian West, the Scottish church was divided into different jurisdictional areas in an ascending order of ecclesiastical authority, which effectively covered the whole of Scotland. Each person lived within the bounds of a parish; parishes were, in turn, grouped into a diocese and each diocese was under the control of the overall province.[24] Jane Dawson notes that:

> the church presented the most sophisticated and complex institutional structure Scots encountered during their lives. Through baptism, the rite of passage into church and society, all were incorporated into Christendom and came under the church's jurisdiction, giving every Scot some experience of governance by ecclesiastical authority.[25]

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[23] Fitch, *Search*, 188.

[24] In 1472 Pope Sixtus IV granted Scotland its first metropolitan see, elevating the bishop of St Andrews, Patrick Graham, to the role of Archbishop of the new Scottish province. In 1487, Pope Innocent VIII declared the Archbishop of St Andrews to be Primate of all Scotland while, in 1492, Glasgow was also promoted to an archdiocese, with Bishop Robert Blackadder becoming Archbishop of Glasgow. Demonstrating the rivalry between the two archdioceses from their inception, Glasgow was granted freedom from the jurisdiction of St Andrews at Blackadder's insistence. By the early sixteenth century, the ecclesiastical province of Scotland was structured into thirteen dioceses which included the two archdioceses. Administratively the archdioceses were split into archdeaconries. St Andrews was divided geographically by the Forth: Lothian to the south, and St Andrews north of the Forth. The Archdiocese of Glasgow also contained two archdeaconries: Glasgow and Teviotdale. Both archdioceses further sub-divided into rural deaneries, as were several of the Scottish dioceses. Shetland and Orkney were arranged into two archdeaneries, while Aberdeen, Argyll, Galloway and Moray were subdivided into rural deaneries. The remaining Scottish sees appear not to have been split. A map illustrating the ecclesiastical structures by 1520 is found in Peter G. B. McNeill and Hector L. MacQueen, eds., *Atlas of Scottish History to 1707* (Edinburgh: Scottish Medievalists and Dept. of Geography, University of Edinburgh, 1996), 338.

[25] Dawson, *Scotland Re-Formed*, 16–17.

Each layer within the (geographical) church structure had its own particular ecclesiastical powers, administrative functions, and officials. These powers extended to the performance of penance.[26]

At the centre of the penitential drama the parish priest had the power to provide safe passage through the stages within penance which led to absolution and Eucharistic access. The basis for the priestly authority emerged from a particular understanding of Matthew 16:18-19:

> You are Peter, and on this rock I will build my church, and the gates of Hades will not prevail against it. I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven.

Using this text, the church asserted the special place of Peter as the head of the body of Christ on earth, the first Pope to whom all subsequent popes were linked by apostolic succession. As Christ had given to Peter the keys of the kingdom of heaven and invested Peter with the authority to bind and loose souls, so too the pope, as Peter's successor, was believed to hold this same power. Further, the authority of binding and loosing was also transmitted to priests at their ordination acting as they did as representatives of the pope, Christ's vicar on earth. [27]

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[26] Judicial powers also extended to types of offences heard within confession. Although the local parish priest had authority to hear confessions and absolve sins, certain offences were reserved to superior orders moving in order of power from the bishop, to archbishop, and ultimately, to the pope. Reserved offences can be placed within several broad categories. The first included offences against ecclesiastical authority, such as aiding Muslims in the Holy Land; failure to persecute heretics; associating with known excommunicates; blasphemy; sorcery; attacks on clerics; and the destruction, theft, or general misuse of church property. The second category included sexual sins such as bestiality; unnatural intercourse; sodomy; sex with those in vows including marriage after taking a vow of celibacy; marriage whilst betrothed to another; and masturbation. Serious cases of verbal and physical violence could also be reserved and included homicide, infanticide, assaulting one's parents, and serious slander or perjury. Aquinas listed five particular circumstances where a priest needed to refer a penitent on to a superior: when the offence required the imposition of public, not private, penance; if the penitent was excommunicate; in the case of an irregularity; arson; local practices concerning the setting of an example in the case of a serious offence. See 'Supplement to the Third Part' of the *Summa*, q.20, a.2. Thomas Aquinas, *Summa Theologica*, trans. by Fathers of the Dominican Province, vol. 5, Complete English ed., Christian Classics (Westminster, Md: Westminster, 1981), 2627.

[27] Other scriptural examples used to support the doctrine of the keys and priestly authority included John 20:22-23 Christ's words to the disciples that they 'receive the Holy Spirit. If you forgive the sins of any, they are forgiven them; if you retain the sins of any, they are retained.' Priestly authority was found in a very imaginative use of John 11:44 in which Christ, having raised Lazarus from death, instructed the disciples to 'unbind him and let him go.' Underscoring the necessity for the penitent to come before a priest were texts such as Luke 17:14, in which Jesus, having healed ten lepers, commanded them to 'go show yourselves to the priests', and James 5:16, concerning confession to one another – 'therefore confess your sins to one another, and pray for one another, so

Theological voices influencing the development of absolution and the priestly role in penance, and therefore reflected in Hamilton's *Catechism*, included the ubiquitous Lombard. Noting the spiritual and temporal contexts of the remission of sins, he observed that God bound and loosed in one way, and the Church in another. In the unseen spiritual realm, Lombard argued, God 'cleansed the soul from inward stain and absolved it from the debt of eternal death,' whereas in the temporal realm, it was given to the priest through the sacrament of penance, and particularly through absolution, to display to all that the penitent's sins had indeed been remitted. Using scripture to underline his point, Lombard claimed:

> the Lord first returned the leper to health by himself; afterwards he sent him to the priests, at whose judgement he would be shown to be cleansed. In the same way, he also presented the raised Lazarus to the disciples to unbind. That is because, although one is unbound before God, yet he is not treated as unbound in the face of the Church, except by the judgement of the priest.[28]

Through the symbol of absolution, the priest provided a visible demonstration in the temporal realm of what God had accomplished in the spiritual. While God through the Holy Spirit was the agent of change, through the performance of absolution the priest was the actor showing that change had occurred in the life of the penitent.

Thomas Aquinas, explaining the metaphor of the keys in his work *Summa Theologica*, noted that as one might use a key to open a door, so the spiritual keys unlocked the door to the kingdom of heaven, closed to humanity because of sin. In this way, the authority to remove sin enabled the door of heaven to be opened, and was thus a key. Teasing out the manner in which this worked theologically, Aquinas observed that while God had the key of authority, it was Christ through his Passion who had the power to remove the 'obstacle' of sin and thus he held the 'key of excellence.' Stating that 'the sacraments of which the Church is built, flowed from the side of Christ when he lay asleep on the cross,' Aquinas argued that 'the efficacy

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that you may be healed. The prayer of the righteous is powerful and effective.' This latter, according to Tentler, was 'proof for some that there is an obligation to admit one's sins to a priest.' Thomas N. Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton, N.J.: Princeton University Press, 1977), 57.

[28] Lombard, *Sentences*, 110. The leper reference is found in all three of the synoptic gosples: Matthew 8: 1-14, Mark 1: 40-45, Luke 5: 12-16, while an account of ten lepers being healed and instructed to show themselves to the priests is recounted in Luke 17:11-19.

of the Passion abides in the sacraments of the Church.' Therefore, in relation to the sacrament of penance, and within the context of the power of the keys, Aquinas reasoned that:

> a certain power for the removal of the aforesaid obstacle is bestowed on the ministers of the Church, who are the dispensers of the sacraments, not by their own, but by a Divine power and by the Passion of Christ. This power is called metaphorically the Church's key, and is the key of ministry.[29]

Combining both the contrition of the penitent and the action of the priest, Aquinas created 'a causal unity that produced grace, and thus made the priest logically indispensible.'[30]

Adding to the theological discussion, John Duns Scotus focused upon the words used at the absolution. The standard formula of forgiveness used within the rite, 'May God forgive you,' was changed instead to 'I absolve you,' thus highlighting the action that the priest was doing, and also illustrating the priestly power of the keys. This change in wording underlined the important role that the priest played in the ritual of reconciliation. Scotus stated what he believed was happening within the penitential process thus:

> Penance is the absolution of a penitent man, done by certain words that are pronounced with the proper intention by a priest having jurisdiction, efficaciously signifying by divine institution the absolution of the soul from sin.[31]

Here Scotus echoed Lombard's discussion concerning remission within the spiritual and temporal realms: while contrition reconciled the penitent to God, it was absolution that reconciled the penitent back to the Church.

Writing in 1516, Dominican theologian Sylvester Mazzolini illustrated both what the church was offering, and what the penitent hoped for in the sacrament of penance. In *Summa summarum que Sylvestrina dicitur*, his guide for confessors, he stated:

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[29]Aquinas, *Summa*, q.17, a.1, 2614.

[30] Tentler, *Sin*, 22–23.

[31] An extract from John Duns Scotus, *Opera Omnia*, in Tentler, *Sin*, 27.

> the priest's absolution opens up paradise and grants the hope of salvation, which we cannot have without Christ, to Whose passion we submit ourselves in confession by virtue of the power of the keys.[32]

However, priests did not have the authority to open up all the gates to paradise. While the priest had jurisdiction of those under his care, there were certain reserved cases outwith his authority.[33] The system of reserving some cases was also practised within Scotland. Remarking upon these reserved cases, John Ireland noted 'thar is mony synnis resseruit to ye prelate and part to ye pape That the curat has nocht powere to assolȝe of.'[34]

The *Catechism*, discussing priestly authority, demonstrated agreement with the prevailing European understanding, stating that 'a preist hes the keis ... the auctoritie of lowsing and binding gevin to him be our salviour Christ.'[35] That the confession and subsequent absolution was able to be truly efficacious was due to the authority given to the priest.[36] Only those who were ordained could provide the absolution needed to access the Mass. The *Catechism* referring to the priestly role noted that:

> the sacrament of Ordour and namely preistheid is principally institute and ordanit to consecrat the sacrament of the Altar, & to dispens and minister the same conueniently to the christin pepil. Mairouir because the pepil may nocht worthily ressaue the same sacrament except thai be preparit & maid reddy to it, be faith and ane cleine conscience, thairfor the sacrament of Ordour & preistheid extendis also to the

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[32] From *Sylvestrina*, 'Confessio 2', q.7, par. 6. in Tentler, *Sin*, 66. Mazzolini would subsequently put his theological skills to use in a bid to refute the work of Martin Luther.

[33] See n.26 above.

[34] Ireland was a theologian, and confessor to both James III and James IV. John Ireland, 'Of Penance and Confession', in *The Asloan manuscript*, ed. William A. Craigie, vol. 1, S.T.S. New Series 14 (Edinburgh, 1923), 65.

[35] Hamilton, *Catechism*, 221.

[36] Hamilton, *Catechism*, 221. Although there was an acknowledgment that there was some minimal spiritual benefit in making one's confession to a layperson such as a trusted friend when *in extremis*, it was neither sacramental nor potentially salvific. The hearing of confession was potentially dangerous and best left to 'professionals'; lack of experience, combined with the lack of spiritual power which the power of the keys bestowed upon a priest, could 'pervert the layman who listens to the recitation of sins.' See Tentler, *Sin*, 67. In 1227, Pope Gregory IX granted Dominicans, and later the Franciscans, the right to preach, hear confessions and grant absolutions. This set in train a long on-going dispute between priests and friars concerning jurisdiction: the friars appeared not to need diocesan consent for their activities, but were rather answerable only to the pope. Swanson notes 'papal privileges gave them virtually all the spiritual powers of the parish clergy.' R. N. Swanson, *Religion and Devotion in Europe, c.1215- c.1515*, Cambridge medieval textbooks, (Cambridge: Cambridge University Press, 1995), 243. For a more detailed discussion on the tensions between secular clergy and friars, see Swanson, *Religion*, 243-244 and Lea, *History*, 299ff.

> ministratioun of tha sacra|mentis, quhairby remissioun of synnis is geuin as Baptyme and Pennance, or ellis augmentatioun of grace, as extreme Vnctioun & Matrimonye.[37]

This further emphasised that the central rite was the Mass itself, and the importance of gaining access to it through penitential preparation. Although the instruction that the parish priest should hear confession ensured that the priest was thus a central actor within the drama of penance, the rise of both the Dominican and Franciscan orders made its impact felt upon confessional practice.[38] Janet Foggie surmises, given the lack of physical evidence due to the privacy of the confessional, that 'the Dominican order must have frequently heard the confessions of Scots in the towns, and as they toured preaching.'[39]

Designed to reconcile the faithful community with God by restoring access to the Eucharist, the performance of the component parts of the sacrament of penance were played out on the private and public stage. Given the destruction of many primary sources after Protestant reform, actual recorded accounts of contrition and confession from pre-1560 are minimal. Rather, primary evidence for the performance of these less visible components of penance is found framed within the context of an expectation of performance. Examples employed here are taken from the official guideline within the *Catechism*; the semi-official contemplations of theologian John Ireland; and as described at the popular level through the voices of poets William Dunbar and David Lindsay. The most visible of the components within the sacrament, making satisfaction, could be performed in a variety of ways and within a variety of arenas. The result was that the performance space was effectively decentralised, or dispersed. Further, the numerous options available to perform satisfaction provided less a sense of clarity, than one of clutter – at least to the

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[37] Hamilton, *Catechism*, 233.

[38] In 1227, Pope Gregory IX granted Dominicans, and later the Franciscans, the right to preach, hear confessions and grant absolutions. This set in train a long on-going dispute between priests and friars concerning jurisdiction: the friars appeared not to need diocesan consent for their activities, but were rather, answerable only to the pope. Swanson notes 'papal privileges gave them virtually all the spiritual powers of the parish clergy.' Swanson, *Religion*, 243.

[39] Given the confidential nature of confession, Foggie notes that 'there are no records of friars as confessors to the common people. Any penitentials which the friars may have had and used must have been destroyed, either deliberately or by neglect in the Reformation period.' Janet P. Foggie, *Renaissance Religion in Urban Scotland: the Dominican order, 1450-1560*, Studies in medieval and Reformation thought vol. 95 (Leiden ; Boston: Brill, 2003), 95–96.

sensibilities of those inclined to reform. If the primary narrative recounted through the liturgical expression of ecclesiastical discipline was a demonstration of reconciliation in action, how was this story communicated on this apparently cluttered and dispersed performance sphere?

Chapter Two/ 'cum to the fountane of Penance'

Contained within the third section of the *Catechism* concerning the sacraments, the subject of penance was arranged in a step-by-step guide for its audience. A succinct outline of the various requirements and components of the sacrament of penance is, however, found earlier within the chapter on the Mass. This statement will act as a loose guideline within which to discuss the performance of penitential rituals on the eve of the Reformation in Scotland. It notes:

> Lat a man, that is to ressaue the bodye of Christ, first preif him self, call him self to the count of his lyfe, examine his conscience, seirche weil him self gif he be fylit with ony dedlie syn. And eftirhend yat he persaue his vnclenis, lat him cum to the fountane of Penance, be contrit with thi hart for all thi synnis particulari, and specially. Mak ane hail confessioun with thi mouth of all thi synnis that thow can cal to thi remembrance, to ane preist the minister of Christ, quhilk hais auctoritie to assoilye the. And as mekil as thou may mak satisfactioun, doand the worthi frutis of penance, in fasting, praying, and almous deid. Quhen thow hais maid thi saule faire and clein eftir this maner, than put on the thi best garment, quhilk is trew lufe of God and thi nychtbour.[40]

In clear and simple language the statement laid out the official expectations of the Scottish church concerning the performance of penance, expressing the wider prevailing orthodoxy and practice within Europe. Before commencing on a more detailed discussion on the performance of penance, an initial brief overview of the content within the statement is used to introduce key themes.

The statement immediately asserted the importance of the Mass and emphasised the need for preparation through an initial examination of conscience. Having determined, by a thorough soul-searching, one's sinful state, the potential penitent was exhorted to undertake penance. The three stages of the penitential process that led to the remission of sins were then highlighted: contrition, confession, and satisfaction. True contrition was required for all sins committed. Also specified was the requirement to make confession to a priest, and this because he had been given the authority to absolve people from sin. Confession was to be full and frank, the fruits of contrition having brought to mind each and every sin that the penitent could

[40] Hamilton, *Catechism*, 214.

remember. The act of making one's confession was by a verbal, not written, accounting of sins to the priest; essentially, confession was a conversation between the penitent and the priest. The importance of this verbal accounting was that the penitent was physically present, enabling the priest to draw out and clarify particular offences as they were enumerated and to provide a more immediate consolation. Satisfaction, the performance of penitential acts, was separated into three categories: fasting, praying, and the giving of alms. Having made one's satisfaction and been absolved by the priest, the ongoing work of fighting against sin was demonstrated by love of God and neighbour.

The three stages of penance

Although the priestly function of absolving a penitent from their sins was the denouement in the drama of reconciliation, the actual performance of penance rested on the three-legged stool of contrition, confession and satisfaction undertaken by the penitent sinner. This three-fold formula seemed apt to Lombard, who suggested that 'just as we offend God in three ways, namely by heart, mouth, and hand, so also let us make satisfaction in three ways.'[41] The *Catechism* outlined the process as follows:

> to obtene and get the same absolutioun or sacrament, a man that hes synnit, of necessite mone have Contritioun, Confessioun, and purpose of Satisfactioun, as wais or meanes expedient to get the effect of the forsaid sacrament, that quhair he hes turnit himself fra God in hart, word and deid, sa he suld turn him self agane to God be contritioun of hart, be confessioune of the mouth, and satisfactioun of deid. And sa turnand to God, doutles he sall obtene the effect of this sacrament, quhilk is remissioun of his actual synnis.[42]

The process of penance was a re-turning: turning the will away from sin and toward God. Further, the action of moving towards God mirrored the action of turning away from God; the heart inclined to sin became the heart moved to contrition. Evil words and deeds were replaced by the words of confession and penitential acts.

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[41] Lombard, *Sentences*, 88.

[42] Hamilton, *Catechism*, 218.

In his poem *Of the Passion of Christ*, William Dunbar talks of the three stages, painting the soul as a house in which penance walks:

> Than swyth Contritioun wes on steir,
> And did eftir Confessioun ryn,
> And Conscience me accusit heir
> And kest out mony cankerit syn.
> To rys Repentence did begin,
> And out at the ȝettis [gates] did schow.
> Pennance did walk the hous within,
> Byding our saluitour Chryst Iesu.
> Grace become gyd and gouernour
> To keip the hous in sicker stait,
> Ay reddie till our saluatour,
> Quhill that he come, air or lait.
> Repentance ay with cheikis wait [cheeks wet]
> No pane nor pennence did eschew,
> The hous within evir to debait,
> Onlie for luif of sweit Iesu.[43]

Penance is clearly seen by the poet as a process of preparation, ensuring the soul is made ready to receive Jesus; the primary motive for doing so born out of 'luif of sweit Iesu.' Priscilla Bawcutt likens the process to a kind of spiritual spring-cleaning, so that 'the hous within' should be 'Ay reddie till our salvatour.'[44] Moved by a love of Jesus, having examined one's conscience and been found wanting, the Christian could begin the process of penance.

'be contrit with thi hart for all thi synnis'

The *Catechism*, moving through the stages of penance, defined contrition as:

> ane sorrow takin wilfully for synnis with ane purpose to be convessit and mak satisfacioun ... contritioun is ane inwart gret sorrow, displesure, and greif, quhilk a trew penitent, callit be Goddis grace, hes in his hart for all his synnis, thairfor thow synful man and woman that wald have contritioun, first be instructioun of Gods word examine, discus, serche and rype weil thi conscience, remember thi awin synful and vicious leving, consider the multitude and gravite of

[43] William Dunbar, *The Poems of William Dunbar*, ed. Priscilla J. Bawcutt, vol. 1, Association for Scottish Literary Studies 27 (Glasgow: Association for Scottish Literary Studies, 1998), 38.

[44] Line 131, in Priscilla Bawcutt, *Dunbar the Makar* (Oxford: Clarendon, 1992), 170.

> al thi synnis, quhairby thow hes provokit the hie indignatioun and wraith of God aganis the.[45]

Contrition arose as the natural by-product of deliberately setting aside time in which the penitent would 'call him self to the count of his lyfe, examine his conscience, seirche weil him self gif he be fylit with ony dedlie syn.'[46] John Ireland talked of contrition in terms of the penitent's loathing of their offences: 'quhen he cummis to absolucioun he haue an generale displesance and detestacoun of all his synnis quhat euer yai be.'[47] He noted that 'contricoun has mony noble frutis', listing seven in total. These seven were the remission of sin; the potential to avoid the pain of eternal torment; the reward of heaven; reconciliation with God; the restoration of virtue and grace – tools to fight sin; restoration of former works of merit that had been tainted by sin; and the honouring and giving of pleasure to God and the heavenly host.[48] Contrition was not that which was imposed, but rather was a movement from the heart that came freely; it was the 'sorrow for sins voluntarily assumed with the intention of confessing and doing satisfaction.'[49]

While the reasons prompting the penitent to feel sorrow for their sins may have been many and varied, ideally, the deep love of God was, as in Dunbar's poem above, the prime motivation.[50] Motivations deemed unworthy were those that focused upon the penitent's fears and desires such as loss of reputation or status, and the possibility of eternal torment. Audrey-Beth Fitch highlights how this latter fear could play upon the minds of penitents, noting:

> the laity contemplated hell with horrified fascination, imagining it as a place of endless physical, emotional and spiritual pain, from which there was no escape. An understanding of hell's inhabitants, foremost of whom was the devil, informed laypeople about the types of sins

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[45] Hamilton, *Catechism*, 220.

[46] Hamilton, *Catechism*, 220.

[47] Ireland, 'Of Penance', 13.

[48] 'The fist It remittis ye syn The secund It puttis away eternale pane and changis It in pane temporale of purgatore and It may be sa gret yat It gettis forgifness of It The thrid It restoris a man to ye heritage of hevin The ferd It makis frendshipe betuix god & man for yai war befor' at discord The fyft It restoris all wertu & grace commonly maire yan before The sext It restoris ye werkis yat was befor ye syn meritore & tynt be syn to yair waloure The vij It dois pleas and honour till god to all ye court of paradyss.' Ireland, 'Of Penance', 13.

[49] Tentler, *Sin*, 235.

[50] *'Cause inductive contritionis sunt multe. Prima principalis est amor dei.'* See Guido de Monte Rocherii, *Manipulus Curatorum* (Impressus Rothomagi: Pro Johanne Ricardo, 1500), II, 2, 1.

> which sent people to hell, and helped fix their minds on the church rituals and personal attitudes which would allow them to escape the temptations of the devil.[51]

While fear as a motive for contrition in and of itself may have been deemed unworthy, certainly it provided a useful starting point to begin the process of examining one's conscience which, ultimately, could lead from attrition to true contrition. Pragmatically, while love of God was an admirable motive for experiencing contrition, the threat of excommunication for those who did not meet the requirement of annual confession and participation in the Mass, was a strong motivating factor.

Without contrition, the benefits conveyed by the sacrament of penance were inaccessible; the penitent needed to experience remorse for sins in order for the sacrament to be effective. Remorse demonstrated, at the very least, the sense that wrong had been committed, and that a realigning of the will, heart, mind and soul was needed. In order to show one's sincerity, it was important to provide visible signs of contrition. However, remorse was not merely an outward show, but an inner work, and as such, the *Catechism* reminded its audience to 'cut your hartis and nocht your clayis.'[52] This performance of sorrow needed, therefore, to be balanced between the intellect and the emotion. The former required the penitent to demonstrate sorrow through the ongoing cultivation of the will to incline to the good, rather than to desire sin. Tangible evidence of contrition was seen in the ongoing regulation of one's behaviour. While some visible sign of emotion was expected, an overly dramatic display of sorrow risked the accusation of insincerity.[53]

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[51] Fitch, *Search*, 185. This voluntary element also arose in a discussion on the nature of true contrition by Joannes Vivaldus, who set out five fundamental components: the truly contrite man is said to be one who 'conscientiously recalls all his mortal sins; evokes a true and particular sorrow or detestation for each mortal sin; a general detestation for all forgotten or unknown sins; a genuine intention to abstain, confess, and make satisfaction; and a motion of the free will by which God is loved above all else!' Translated extract in Tentler, *Sin*, 54.

[52] Hamilton, *Catechism*, 218.

[53] Lombard cautioned that 'many shed tears ceaselessly, and do not cease from sin. I see some who interpret tears as penance, but do not have the attitude of repentance.' See Lombard, *Sentences*, 71. Writing in 1513, and proving that understandings of restraint could vary quite markedly, Joannes Vivaldus stated that: 'heartfelt contrition is that most efficacious, heavenly medicine that alone causes the vomiting out of the bilious humors from the stomach of the ailing soul. It is the sweetest bath by which the physician of our souls beneficially cures the unwholesome diseases of the human heart.' Extract from Joannes Lodovicus Vivaldus, *De Contritionis Veritate Aureum Opus Fratris Joannis Viualdi De Monte Regali*, in Tentler, *Sin*, 257.

William Dunbar, in the poem *The Tabill of Confessioun*, modelled on John Ireland's theological work of the same name, refers to tears. In the second stanza, Dunbar writes 'with teris of sorrow fra myne ene distelling,' taking up this theme of tearful contrition again in the sixth stanza 'with hert contrit and teris falling doun.'[54] The poem cited earlier, *Of the Passion of Christ*, refers to 'cheikis wait'; again a reference to tears. In his other devotional poem on confession, *The Maner of Passying to Confessioun*, Dunbar discusses the appropriate attitude to preparing for one's confession. In the seventh stanza he brings out the sense of contritional remorse that the penitent who is properly engaged with the process should feel. The knowledge of one's offences should also cause the penitent to feel humbled in the sight of God. The penitent is advised 'with humyll hert and sad contrycioun thow suld cum to thine confessioun.'[55] The natural response following on from examination of conscience and subsequent contrition for one's sin was, thus, the desire to make reparation. True contrition, therefore, led naturally to the next stage of the penitential process: the desire to respond by making one's confession to a priest. [56]

'Mak ane hail confessioun with thi mouth'

The most pressing and immediate reason to make confession was when one was in danger of dying. This could be in the case of a life-threatening illness, when one was already bed-ridden, but it could also be in anticipation of either illness or peril. Confession could also be made when facing battle or when about to undertake a dangerous journey, in order to prevent the possibility of dying in a state of sin. Expectant mothers who were about to undergo the perils of childbirth were to seek confession at the beginning of their ninth month of pregnancy.[57] Other mitigating circumstances such as type of employment, geographical distance, and the

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[54] Dunbar, *Poems*, 267-268.

[55] Dunbar, *Poems*, 137.

[56] Lombard said of this: 'just as inward penance is enjoined upon us, so also are outward satisfaction and confession by the mouth, if they are possible; and so he is not truly penitent, who does not have the intention to confess.' See Lombard, *Sentences*, 97.

[57] See Denis McKay, 'Parish Life in Scotland, 1500-1560', *Innes Review* 10, no. 2 (December 1959): 258– 9. In Scotland, this requirement was put into the statutes in the thirteenth century. Statute 90 states: 'Let every woman with child come to the church at the beginning of the ninth month, and confess and recieve the body of Christ. Otherwise the priest will not go to her [at her house].' See *Statutes*, 48.

availability of a priest, also factored into when someone might make their confession. If the possibility of making confession presented itself, and one was unsure that they may be able to make confession within the year, it was thought prudent to seize that opportunity.[58]

In connection with the above, the timing and frequency of confession, although required once annually by Lateran IV, had no upper limit regarding number. Ideally, if adhering to the minimum, confession was normally performed during the penitential season of Lent to allow the penitent access to the Easter Mass. The other specified penitential season, Advent, was timed to enable the penitent to enjoy the benefits of the Christmas Mass. Outwith these two dedicated penitential seasons of the liturgical year, confession also occurred when a penitent felt compelled by conscience to do so, even though they may have already met the minimum requirement. John Bossy, noting the influence of Jean Gerson, dates the move to encourage the laity to make confession more frequently to around 1400. He notes that confession could be made a 'monthly or otherwise regular event outside a ritual context.'[59]

Within monastic practice, confession was deemed to be the most powerful tool with which to fight off temptation. In his book *The Dialogue of Miracles*, Cistercian prior Caesarius of Heisterbach sets out a conversation between a monk and a novice. The monk observes that 'in confession the fuel of sin is diminished, the temptation ceases or is restrained, grace is increased, the penitent is strengthened by counsel, the devil is confounded and weakened.'[60]

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[58] Concerning non-fulfilment of the annual confessional obligation, John Bossy observes that 'the most frequent reason why people failed to fulfil the obligation of annual confession was that they were in a state of hostility with a neighbour, and proposed so to continue.' John Bossy, *Christianity in the West 1400-1700*, (Oxford: Oxford University Press, 1985), 47. This same reason was also employed by Scottish Protestants when accused of non-attendance at communion, demonstrating an attitudinal consistency concerning neighbourly reconciliation and the sacraments, and will be further addressed in Section Two.

[59] Bossy, *Christianity*, 49.

[60] Caesarius, *Dialogue*, 298–299. A rather delightful example is provided in a story of a demon so impressed by the power of confession that it seeks out a priest to make its own confession; given a relatively easy penance by the priest, the demon ultimately fails due to its inability to humble itself before God. See Caesarius, *Dialogue*, 161–162.

In general, the actual performance of confession followed several stages, with humility of posture, and of mind, to be demonstrated to the priest. Godescalc Rosemondt indicated the appropriate manner and place in which penitents should make confession. A penitent was urged to:

> throw yourself at the feet of the priest, the representative of Christ, no matter how great you are; not standing, or sitting, or lying out on the altar as has become the unworthy custom in many places.[61]

Alternately, penitents might sit next to the priest, kneel at his feet, or initially 'kneel at the beginning and then to tell his sins, sit at the feet or side of the confessor according to the custom of the land.'[62] During confession the priest remained seated, while the penitent either knelt in front of him, or sat next to him, women having their head covered and men taking their hat off. A recognised exchange of greeting would take place, with the penitent saying 'Benidicite', and the confessor responding with the words 'Dominus sit vobiscum'.[63]

Before the confession went any further, a brief preamble could occur: if the person was unknown to the priest, jurisdictional issues meant that an inquiry was made concerning where the penitent came from and who their regular priest was. Further questions could concern both the social and marital status of the penitent, whether the penitent was under a sentence of excommunication, how long since they had made their last confession and whether they had completed the imposed penance resulting from it. The penitent might be further questioned within a catechetical context, being examined on their knowledge of the Lord's Prayer, the Hail Mary, the Creed, and the Ten Commandments, as well as the Twelve Articles of Faith.[64] After the initial preamble, in order to ease the penitent into making their confession and as a means of providing comfort, the confessor would confirm that God already knew

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[61] From Godescalc Rosemondt, *Confessionale*, I, I, fol. 6b-7a in Tentler, *Sin*, 83. Rosemondt, c. 1483-1526, was a professor of theology at the University of Louvain. His *Confessionale* was an influential handbook for confessors.

[62] Tentler, *Sin*, 83.

[63] The penitent asking 'bless me', and the confessor responding 'the Lord be with you.'

[64] For examples of these latter two catechetical areas, see Andreas de Escobar in *Interrogationes et doctrine quibus quilibet sacerdos debet interrogare suum confitentem*, Paris: early 16th century and Guido De Monte Rocherii, *Manipulus Curatorum*. Paris: Imprime par Nicole de la barre, 1512. See below for Protestant adaptation and continuity, Section Two, Chapter Three, 80.

their sin. The penitent would also be advised that the more openly they confessed, the greater God's pardon, and the more the confessor respected them. At this point, the penitent would then be instructed to clasp their hands together, in a gesture of prayer in readiness to confess.

After making the sign of the cross, the penitent began the process of recalling their sins, starting with the general formula 'I confess to Almighty God'. [65] The penitent would then call upon the Virgin Mary, the company of saints, and the confessor as witnesses to acknowledge the penitent's sin before a recitation of specific offenses. By way of providing a structure for the confession, and as an aide-memoire for the penitent, the confessor might suggest that the penitent work through the Ten Commandments, or use as a starting point the seven deadly sins.[66] Another way in which to organise confession was to write down one's sins, if one were literate. Having worked their way through their list of sins, the penitent finished by asking God, Mary, the saints, and their confessor for mercy. The confessor would then further question the penitent in order to gauge their sincerity, and to ensure that all sins had been confessed.

Scottish practice reflected this wider European fashion. The *Catechism*, defining Confession, states in its very first sentence that it 'is ane declaritioun of synnis maid before ane preist be the ordinatioun of God.' Right from the outset, therefore, the necessity of a priest is drawn to the reader's and listener's attention. The subsequent reason provided is that only the priest had the authority to remit sins and that it was both in accordance and at the command of both God and the church. The position of the penitent is noted: given that the priest 'occupies the place of god,' the penitent was to bow down before him to make their confession. The penitent is reminded in the *Catechism* to have already ensured a full examination of conscience has taken place so as to 'schaw thame with thi mouth to almychty God before the preist gods minister, with all circumstancis of tyme, place, persone, and purpose.' The verbal

[65] The prayer referred to here is the *Confiteor* and was known to be in use during the twelfth century in the Mass in Bernold of Constance. The prayer had variations, with the insertion of the '*mea culpa*' ('my fault') phrase in the sixteenth century.

[66] The seven deadly sins were lust, wrath, greed, gluttony, sloth, pride and envy.

context of making confession is also demonstrated.[67] There is the explicit understanding within the process that the penitent was to take full responsibility for their actions, 'that the cause of thi synnis come of thi self' and that by doing so there was an agreement 'to submit thi silf to sic disciplyne, correctioun and pennance for the reformatioun of thi lyfe.'[68]

While, overall, the attitude was to be one of meekness, a good confession contained a variable number of different characteristics. Aquinas, following Lombard, noted that confession was to be simple, humble, pure, faithful, frequent, unadorned, discreet, willing, ashamed, complete, tearful, prompt, strong, reproachful, and demonstrate a heart prepared to be obedient.[69] Jean Gerson in his work, *Opus tripartitum*, also alluded to several of these qualities, noting that:

> the sinner accuse himself humbly, and not derisively; honestly and not deceitfully; purely, directly, and sincerely, avoiding irrelevancies; and above all discreetly, so that he does not reveal those who were his companions in sin.[70]

The performance of confession, however, was a conversation, and there were expectations on both sides.

While the penitent making confession was required to demonstrate genuine repentance, the confessor was also required to demonstrate certain attributes. Given the eternal consequences at stake, the penitent hoped that the priest actually knew what he was doing and how to do it properly. Essential attributes for a confessor were that they were a properly ordained priest with the requisite knowledge of how to both bind and to loose and that they were in communion with the church, meaning that they were not themselves excommunicated. Other ideal attributes included a spiritual self-awareness in order not fall into the same sin as their confessee, and so

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[67] This necessity to confess with one's own mouth is also stated in Dunbar's poem *The Maner of Passying to Confessioun*, in which he also uses the phrase 'with thine awin mouth thi synnes suld tell.' Dunbar, *Poems*, 137.

[68] Hamilton, *Catechism*, 223.

[69] Aquinas, *Summa*, q.9, a.4, 2591.

[70] *Opus Tripartitum*, II, Du Pin, I, 446A, cited in Tentler, *Sin*, 109.

'a priest is to be sought who is wise and discreet, who has both power and judgement.'[71]

Tentler cites the following 'jingle' from 1503 in the *Officiarium curatorum*, produced by the Diocese of Autun as a manual for curates:

> Let the priest hear confessions in an open place in the church:
> At the faces of women not staring;
> everyone patiently hearing;
> pardon to supplicants promising;
> bearable penances imposing.[72]

In the opening line reference is made to the location where confessions were to be heard. Until the arrival of the private confessional booth in the later sixteenth century, the act of making one's confession to a priest though not heard by all was easily seen by all.[73] Tentler notes that 'prelates were especially likely to stress this requirement, and many explained that it was to avoid all occasion or suspicion of evil.'[74]

The would-be confessor was reminded not to stare at the faces of female penitents in the second line of the curate's jingle. While this was to avoid opportunities for impure thoughts to emerge, direct eye-contact with the penitent regardless of gender was usually discouraged as it was deemed to 'inhibit and confuse the telling of sins.'[75] The protection of both priest and penitent from temptation and possible scandal was reflected in Ireland's instruction to priests when hearing the confession of women. Confession was to be heard 'in a place manifest for confusioun of ye enemy & eschewing of syn and yat ye confessour luk nocht in ye face of ye penitent.'[76] This corresponds with McKay's analysis of evidence. He notes that

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[71] Lombard, *Sentences*, 103.

[72] The diocese, in Burgundy, was also home to the great Abbey of Cluny, the motherhouse of 2 000 monasteries. Tentler, *Sin*, 95.

[73] Lea, *History*, 394-395. Aquinas supplied a reasonable motive for the practice of privacy within confession, warning that 'confession should be made not publicly but privately, lest others be scandalized, and led to do evil through hearing the sins confessed.' See Aquinas, *Summa*, q.9, a.4, 2592.

[74] Tentler, *Sin*, 82.

[75] Tentler, *Sin*, 83.

[76] Ireland, 'Of Penance', 65.

'confessions were heard in the chancel behind a veil or the rood screen. Women penitents were heard in some other part of the church, in full sight of the faithful, but out of earshot.'[77] In order to avoid direct eye-contact, women were to be positioned at the side of the priest in order that the priest would not be looking directly at their faces. In *Kitteis Confessioun,* ascribed to the courtier and poet David Lindsay, the curate hearing the hapless Kitty's confession was certainly not observing protocol when he instructed Kitty: 'to my chalmer cum at evin, absolvit for to be, and schrevin.'[78]

Returning again to the Autun jingle, in the third line the curate was also reminded of one of the chief qualities needed for hearing confession, namely, patience. Soliciting a good confession took time and required thoroughness to ensure that all offences were accounted for. Confession was to be as full and frank as possible. The tools available to the confessor to assist this process are demonstrated by Dunbar in his poem, *The Tabill of Confessioun*. Dunbar goes into lengthy detail, beginning, in the third stanza, by working through each of the seven deadly sins: pride, envy, anger, lechery, gluttony, sloth, and greed. In the stanzas following, he considers: the seven deeds of corporal mercy; the seven deeds of spiritual mercy; his negligence of the seven sacraments; the Ten Commandments; the twelve articles of faith; the four cardinal virtues, and the seven commands of the church. Subsequent stanzas give a full listing of various other sins committed, and those forgotten.[79] This is echoed in *The Maner of Passying to Confessioun* in the second stanza, where Dunbar instructs

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[77] McKay, 'Parish Life, 258-259. See also Statute 138 from the statutes of Bishop David of St Andrews, c.1242, which declares: 'we forbid confessions of women to be heard between the veil and tha altar: they should be heard in another part of the church beyond earshot, but not out of sight of men.' *Statutes*, 67.

[78] The date of writing is in the later 1530's. David Lindsay, *The Poetical Works of Sir David Lyndsay*, ed. David Laing, vol. 3 (Edinburgh: W. Paterson, 1879), 135.

[79] The grouping of these seven 'deadly' sins provided a useful and ongoing framework for theologians and confessors alike. Richard G. Newhauser and Susan J. Ridyard note that 'the heptad of vices remained a common element in the theological discourse on sin.' Richard Newhauser and Susan J. Ridyard, eds., *Sin in Medieval and Early Modern Culture: the tradition of the seven deadly sins* (Woodbridge: York Medieval Press, 2012), 2. The deeds of corporal mercy are from Matt. 25: 35-40: feeding the hungry, giving the thirsty drink, visiting the sick, liberating the captive, harbouring the homeless, clothing the naked and burying the dead. The deeds of spiritual mercy were: instructing the ignorant, admonishing sinners, counselling the doubtful, comforting the afflicted, praying for the living and for the souls of the dead, bearing wrongs patiently, and forgiving offences willingly. The four cardinal virtues are fortitude, prudence, temperance, and justice. Dunbar, *Poems*, 267-273.

the penitent to be diligent in their confession counselling 'with all thi synnis into thi mynde presente, that euery syn be the selfe by schawin, to thyne confessour it ma be kend and knawin.'[80]

Difficulties arose for the penitent if the confessor went into explicit detail in the pursuit of rooting out sins; there was the potential to place unhelpful thoughts into the mind of the penitent, or indeed, to give them ideas. John Ireland cautioned confessors in this regard, observing that in order to prevent such possible temptations being put before the penitent, it was better to frame questions in a more general, rather than specific way. This was particularly the case concerning sexual sin, with Ireland cautioning:

> in ye syn of lichory ... by yai Interrogaconis he may Induce plesance In ye synnere herand ye particularye circumstance of ye syn of ye flesche and teche ye synnar ways to syn and vknkawin before.[81]

Again, in *Kitteis Confessioun* the main protagonist discusses one of her confessors, Sir Andrew, as being rather too inquisitive concerning her love-life: 'quhat day, how oft, quhat sort, and quhare: quod he, I wald I had bene there.'[82] Here the confession lurched dangerously close to voyeurism.

Lindsay's confessional satire, providing as it does an amusing contemporary example of what was perceived to be poor confessional practice, gives the reader some insight in what was considered to be good practice in sixteenth century Scotland. The initial confessor begins his line of questioning by asking if Kitty is in possession of stolen goods. Upon confessing that she had stolen a peck of barley, the over-eagerness of the curate for Kitty to deliver it to him as part of her penance is telling; a 'good' confessor according to Lindsay should perhaps be a little less absorbed with acquiring earthly goods. Kitty is then asked 'ken ye na heresie?' which is immediately followed up by the priest inquiring if she had 'na Inglis bukis' – potentially heretical reading matter. The policy of not disclosing the names of others when making one's confession is then broken by Kitty, who tells the curate that her

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[80] Dunbar, *Poems*, 136.

[81] Ireland, 'Of Penance', 20.

[82] Lindsay, *Poetical Works*, 135.

master owns such books.[83] The curate immediately responds by stating that he will tell the king, which, if he did, would be to break the bonds of confessional confidentiality. Sensing Kitty has not fully disclosed all her offences, the curate feels that they should adjourn proceedings, suggesting meeting up privately. This, too, broke with the protocols concerning the location of hearing confession.

This initial encounter with the curate also brings to light other unsatisfactory experiences Kitty has had concerning making her confession. Sir Andrew, the confessor noted earlier, along with being overly talkative, mumbling his Latin, and rather prurient in his line of questioning, was also found wanting when it came to giving Kitty any guidance in how to live a good and godly life. A long litany of what Sir Andrew should have told her follows, this being Lindsay's device to demonstrate the ignorance of the clergy in matters of faith. The encounter ends with Sir Andrew requiring Kitty each day to:

> Ane Ave Marie for to say:
> And Frydayis fyve na flesche to eit;
> Bot butter and eggis are better meit,
> And with ane plak to by ane messe,
> Fra drunkin schir Jhone Latynelesse.[84]

In this one encounter, the reader can deduce that a 'good' confessor should not seek to profit from the offences of the penitent by pocketing apparently ill-gotten gains. Further, the confessor should be more mindful of the dictum that the penitent was to confess their own sins, with their own mouth, and not confess on behalf of others. The good confessor would discourage the penitent from such behaviour and ensure that the focus was immediately turned back to the offences of the penitent. Lastly, a good confessor was one who was known to be discreet and, according to Lindsay, at least sober.

The encouragement for the penitent to be rigorous in naming all of their offences lay in the promise of pardon at the end of the process. Having examined and

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[83] As noted earlier, while one confessed their own sin, it was not the policy to confess the sins of others, no matter how complicit they may have been in the sin being confessed. See further: Lindsay, *Poetical Works*, 135.

[84] Lindsay, *Poetical Works*, 136.

subsequently ascertained that the confession was complete the confessor would move to the last of the three stages in the penitential ritual, satisfaction. Here, a further mark of a good confessor was the assigning of appropriate penance for the offences confessed. The imposed penance needed to be achievable so that the penitent would not lose heart and give up, but would, rather, be encouraged to begin and accomplish the prescribed act of penance.

'mak satisfactioun, doand the worthi frutis of penance'

Undertaking penance, or making satisfaction, was the active performance by the penitent of contrition; simply, it was the desire to make amends for one's faults, and be reconciled to both God and community. Important, too, was the desire to effect a more permanent behavioural change which reflected one's ongoing desire to reject sin and incline one's will to God. Having heard the confession of the penitent, the priest would then impose a suitable act of penance to be undertaken. The use of prayer, fasting on bread and water, and the giving of alms to the poor were the most widely prescribed spiritual remedies for penitents.[85] Penitents who had confessed to serious offences such as the taking of a life might also be instructed to undertake a pilgrimage, either locally or abroad. As part of the process, such penitents were also required to bring back a formal certificate which verified that the pilgrimage had been duly accomplished.[86] The priest would then pronounce absolution by placing his hand on the head of the penitent and saying *ego te absolve*, after which the penitent would offer alms to the priest, ask for a blessing and then leave.[87]

Penance could also be performed on behalf of those who had died and who were believed to be in purgatory, a place of purification of souls who had not finished making satisfaction for their sins in their earthly life. The doctrine of purgatory noted that upon death those who had not made full satisfaction for sins occurring

[85] Almsgiving was not confined to the giving of money, but could range from items such as food or drink to buying church furnishings and funding chapels or side aisles.

[86] See the case of William Bondolf below, 57.

[87] Payment of alms to the priest was not always customary as it was seen as a discouragement to the poor from making their confession. Further, the payment of alms to the priest had the potential to lead to financial improprieties.

during their earthly life were unable to enter into the heavenly realm immediately, given they were not wholly pure. Aquinas stated that:

> some are delayed from the divine vision for a time ... because as long as they are deserving of any punishment they cannot participate in the highest happiness which consists of the vision.[88]

Purgatory, then acted as an intermediate place in which these souls were purified. As part of this purification procedure, the church taught that prayers and Masses offered by the living on behalf of those in purgatory were a way of hastening the process. The use of indulgences also facilitated the lessening of time spent in purgatory.

The system of indulgences was based upon three elements: the treasury of merit in the vaults of heaven; the communion of saints; and the concept of vicarious satisfaction. The treasury of merits was infinite, in as much as the merit accrued through Christ's sacrifice on the cross was seen as limitless and therefore more than sufficient to cover the debt of all sin. Scripture used as a proof-text for this belief was 1 John 2:1-2, which stated: 'My little children, I am writing these things to you so that you may not sin. But if anyone does sin, we have an advocate with the Father, Jesus Christ the righteous; and he is the atoning sacrifice for our sins, and not for ours only but also for the sins of the whole world.' Praying on behalf of one another, including for the souls of those in purgatory, was a powerful reminder, and part of the responsibility, of belonging to the communion of saints; it was a part of sharing in the life of Christ's body on earth. Praying for one another profited the whole body, including those in a sinful state. As to the matter of vicarious satisfaction, Aquinas likened prayers said on behalf of a soul in purgatory to a person paying off a monetary debt on behalf of another. He noted that:

> the work of one avails the other through the manner of satisfaction, since one can satisfy for another if the former so intends. And such value is understood to be in prayers which are made in order that through them men may be freed from the debt of punishment.[89]

Tentler, remarking on the aspect of pastoral care within this institution of forgiveness, observes the two-pronged approach which aided in the pursuit of good pastoral care: consolation and social control. He states:

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[88] Thomas Aquinas, *Quodlibetal Questions, 1 and 2*, ed. Sandra Edwards, Mediaeval sources in translation 27 (Toronto, Ont: Pontifical Institute of Mediaeval Studies, 1983), 108.

[89] See Aquinas, *Quodlibetal*, 108.

> to assure the penitent that if he fulfills certain requirements and gets certain aids he will be forgiven is patently a work of consolation. But at the same time, to set up requirements a penitent must fulfill serves discipline or social control.[90]

According to the *Catechism*, the purpose of performing penitential acts was in order 'to cut away the occasionis of synne and to geve na entrance to thair suggestiouns.'[91] While sin was forgiven by faith through the sacrament of penance, 'thair remanis in us certane dreggis of syn ... stil inclinatiouns and motiouns to the same synnis quhilk we did afore.'[92] To perform satisfaction – to do penitential acts – was 'to thoil temporal payne for our synnis by gane, and to keip us fra consenting to syn in tyme to cum.'[93] Through performing 'the worthi fruitis of pennance' the temptation for the penitent to sin would be stemmed and the relationship with God, through access to the Mass, be preserved.[94]

John Ireland viewed acts of penance, or making satisfaction, as a form of compensation, stating it was making:

> recompensacoun befor ye devyne maieste of ye culpe and offence committit by ye synnare with penale medicyne to forbere syne in tyme cummying ... he Is oblist to mak reparacoun & restorance of ye seruice yat he has drawin fra him & ye Inhonoracoun yat he has schawin in ye breking of his lay and yat Is satisfactoun.[95]

While Ireland noted the preventative aspect that penance provided, and also drew on the concept of penance as spiritual medicine used to cure sin, what is emphasised in this statement is a judicial angle. To do acts of penance was to repay the offended party – God – for those offences committed against him in order to ensure relational reconciliation. For Ireland, genuine satisfaction had within it five elements: it must honour God; it should be difficult; it was done by the penitent of their own free will; it was for the chastising of sin in order to reconcile with God; and that there were no

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[90] Tentler, *Sin*, 235.

[91] Hamilton, *Catechism*, 223.

[92] Hamilton, *Catechism*, 224.

[93] Hamilton, *Catechism*, 224.

[94] Hamilton, *Catechism*, 223-224.

[95] Ireland, 'Of Penance', 23.

underlying reasons to do an act of penance apart from desiring to make compensation to God, in other words, that there was no ulterior motive.[96]

Prior to the Reformation, Scots made use of the variety of implements in the penitential toolkit to make their satisfaction, both on their own behalf and on behalf of others such as deceased relatives. The use of prayer, fasting, and the giving of alms were the most widely prescribed spiritual remedies for penitents, although other avenues were available. Fitch notes:

> to make satisfaction for sin laypeople went on pilgrimage; had wills drawn up; founded and maintained hospitals, schools, masses, altars, chaplainries and collegiate churches; donated money, lands, vestments and ornaments to churches; and held pageants and processions. In particular, they supported church rituals centred on the Eucharist.[97]

The *Catechism* advised penitents:

> as mekil as thou may mak satisfactioun, doand the worthi frutis of penance, in fasting, praying, and almous died. Quhen thow hais maid thi saule faire and clein eftir this maner, than put on the thi best garment, quhilk is trew lufe of god and thi nychtbour.[98]

True love of God and of neighbour was demonstrated in the way the penitent lived out their life; it was the visible demonstration that true repentance had occurred and that both divine and neighbourly relationships had been restored.

Prayer and almsgiving

Love of neighbour could certainly be seen within the act of giving alms; there was a certain tangible element. Spurred on by a love of God, the giver was moved to compassion for others and provided for them in a practical way. Those who were to receive alms were:

> all yat ar in necessite frende and fa gud & evill ... to yam yat ar in mast Indigence and distress and quhare monyest of yir condicionis concurris yow suld erest helpe ye persone.[99]

Of the act of giving alms, John Ireland stated that:

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[96] Ireland, 'Of Penance', 24-25.

[97] Fitch, *Search*, 80.

[98] Hamilton, *Catechism*, 213-214.

[99] Regarding 'erest': it is a variant on 'errast', 'eirest', 'earest' meaning first or earliest. Ireland, 'Of Penance', 36.

> Allmouss deid is a part of satisfactioun and Is a werteu throw [quhilk] the pure and misterfull person Is helpit be compassioun for the luf of god and honour of him and to It Inclinis liberalite Iustice and cherite.[100]

Ireland set out four conditions for the proper performance of giving alms. Taking seriously the words of 2 Corinthians 9:7, the giving of alms was to be done in a cheerful, not grudging, manner. To give alms was an appropriate response: 'yow se a persone in extreme necessite and haue nocht of yi owne bot gud of other personis.'[101] The prime motivation for almsgiving was that it was to be done solely for the love of God. Last, the giving of alms was to be done as both time and situation allowed. Here Ireland instructed that the penitent remember their other obligations: if they had a wife and family they were to make sure that their almsgiving did not deprive those dependent upon the penitent. If there were no dependents, it was still important that the penitent had sufficient to sustain themselves.

In practice, penitential rituals were often merged, particularly prayer and almsgiving in cases where the souls of the deceased in purgatory were concerned.[102] Janet Foggie observes that the doctrine of purgatory:

> was an essentially positive doctrine which enlarged the community of the saved by allowing the penance for sin to be completed after death ... The completion of penance was painful, but necessary for the heavenly reward of seeing God ... Hope was the underlying power of the doctrine.[103]

It was believed that praying for the souls of the dead and doing acts of penance on their behalf would reduce the time spent in purgatory. While the doctrine of purgatory was deemed 'hopeful' there was also an element of fear which motivated Scots to perform works of penance in preparation for their own afterlife, and to assist friends and family already in purgatory.[104] Foggie states that the four most popular

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[100] Ireland, 'Of Penance', 33.

[101] Ireland, 'Of Penance', 33.

[102] See Appendix 2, fig. 1, 244. Image from *Religion and late Medieval Scotland*, http://images.is.ed.ac.uk/luna /servlet/ view/group/36. University of Edinburgh. Date accessed 09/11/2011.

[103] Foggie, *Renaissance*, 175.

[104] The work of thirteenth century Dominican, Stephen of Bourbon, listed seven reasons: 'harshness; diversity; the apparent dragging of time due to the severity of punishment; the inability to gain any

ways in which to shorten one's time in purgatory 'were the prayers of friends, the giving of alms, the saying of masses and fasting.'[105]

One very high profile penitent was James IV, complicit in the death of his father James III. Eight years after his father's death, and evidently demonstrating his remorse, James embarked upon a life built upon penitential acts. He donned an iron penitential belt, made numerous pilgrimages and attended mass regularly. Combining prayer and almsgiving, he 'funded regular prayers and masses for his father's soul, and made special donations to the Augustinian canons of Cambuskenneth Abbey, where his father was buried.' Beyond provision made for his father's soul, he also 'made regular offerings at churches throughout Scotland and frequently gave alms to the poor, ill, and scholars.'[106]

It was not just royalty who combined prayer and almsgiving on behalf of the dead: Foggie notes the practice of funding anniversaries, in which friars were tasked with the duty of commemorating the dead on a nominated day each year. These anniversaries did not necessarily fall upon the date of death, but could occasionally do so. The latter was certainly the case with the establishment of an anniversary for Alexander, third Earl of Huntly, by his widow Elizabeth. She specified that the anniversary was to be held on 16 January each year.[107] Based upon extant, but scarce, primary source material and comparing this with the practice of Dominican friars in Bristol, Foggie pieces together the liturgical form that was used in Scotland from 1450 to 1560. The money given by the penitent paid for a service which spanned two days. On the first day, a funeral service was held with an empty coffin and pall representing the deceased. At night:

> The *Placebo* or Vespers of the Dead was said, followed the next morning by the Matins and Lauds of the Dead or *Dirige*. These services were collectively referred to as the *exequies*. Then masses, of

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merit there; noxiousness; quality of torments, and the small number of aids available as the living quickly forget the dead.' Foggie, *Renaissance*, 176.

[105] Foggie, *Renaissance*, 176.

[106] Fitch, *Search*, 80-81.

[107] Alexander had died on 16 January, 1524.

> the Blessed Virgin Mary or of the Trinity, and a solemn high mass of the Requiem were celebrated.[108]

Those who were prepared to pay more could request that the liturgy be sung. Further, as an audio *aide-memoire*, prior to the commencement of anniversary rites, a bell could be rung through the streets – a way of calling people to pray. Added alms could be given to the poor as part of this ritual.

Demonstrating the power of the Mass to deliver souls from purgatory, a deed of indenture from 1489 between David, Duke of Montrose, and the Friars Minor of Dundee records the funding of what was to be called the 'Duke's Mess of Montrose.' The friars were bound and obliged, in exchange for the annual gift of 20 marks, to pray daily at the high altar for the souls of the Duke, his wife Margaret, his forebears and successors, as well as his grandmother. Here the performance was not left to a mere side-chapel, but was given centre-stage. Over and above this daily obligation, the friars 'every Friday shall sing a mess of the Requiem at the said altar ... the whilk mess shall be openly callit the Duke's Mess of Montrose.' Specific instructions were given for the saying of this Mass: an honourable epitaph was to be prepared and covered with:

> an honourable tapet with twa serges borne with twa angels of brass as chandelars, to be lightit at the said mess, the whilk epitaph the ministers of the altar principal, efter the veneration and honouring of the Sacrament, shall incense honourably.

Montrose further stipulated anniversary services for both himself and his spouse. The friars were to 'solemnly sing with note, with all debtful ceremonies in maist honourable wise, *Placebo* and *Dirge* with mess on the morn with note,' with particular instructions for those who were priests to hold a private mass, praying initially for the soul of Montrose's father, and upon his own death, for the soul of Montrose; alongside this, the soul of Margaret, his wife was to be prayed for – 'the day of her obit; and in the time of the obit-doing of this said mighty prince.' Not wanting to leave any stone unturned in the making of this spiritual investment, Montrose also charged the friars to 'perpetually and nightly sing efter Compline, before the prayer-bell, in the queir of the said place, solemptly, this anthem of Our Lady, the glorious Virgin mary, *Alma Redemptoris*,' for the soul of James III. A

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[108] Foggie, *Renaissance*, 178.

further note concerning the piety of Montrose and his wife can be detected at the end of the indenture: they appear to have been received as tertiary members of the Order of St Francis on the same day as the indenture was signed.[109]

The use of bells, singing, almsgiving, and a stern reminder to clergy concerning the appropriate attitude when conducting anniversary rites can be found in the charter drawn up on 12 May 1502 by Sir Andrew Makcormyll of Ayr. In preparation for his own time in the afterlife, he dutifully remembered to include prayers to be said for the souls of his mother and father, as well as for those who 'were intentionally his benefactors, both living and dead.' In the charter, Makcormyll expressed his belief:

> that by pious alms and the celebration of masses, the Son is offered to the Father for the sins of men, which are on that account remitted, and the pains of purgatory ended, and the souls of the dead set free.

In order to draw attention to the anniversary and the subsequent rites performed:

> the bellman should go through the streets, in the usual manner, to instigate the poor to come to the obit mass to pray for the soul of the founder and to receive his alms.

Makcormyll further stipulated the time, place, and the cast of characters. After the bellman had given notice of the anniversary, the office was to be performed at the side-altar of the Holy Blood on St Andrew's Day with at least six priests from the choir in attendance. The great bell was also to be 'tolled three times at the exequies', and nine unspecified lessons were stipulated. The obit, obit mass and other private masses were to be sung the following day. If priests were absent on one of the days, they were to be deducted the sum of four pence, and if absent on both days were not paid. Perhaps a pointed comment in the charter concerned the way in which the whole was to be conducted, with Makcormyll requiring that it be performed 'in honourable manner.'[110]

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[109] In the extract, a 'tapet' is a tapestry, while the term 'serges' refers to a large wax candle. William Moir Bryce, *The Scottish Grey Friars*, vol. 2 (Edinburgh; London: W. Green and Sons, 1909), 127–128.

[110] *Charters of the Royal Burgh of Ayr*, ed. Ayr and Wigton Archaeological Association (Edinburgh: Printed for the Ayr and Wigton Archaeological Association, 1883), 99, 101.

Foggie notes a charter from 1510 by Sir Alexander Lawder, who had drawn up particulars for his own anniversary. Having specified the place – at St Giles, in front of the altar of the Blessed Virgin Mary and St Gabriel – Lawder also stated his:

> Desire that on the day of the same obit a division of alms be given to the poor, consisting of sixty portions, each portion having the value of nine pence, three in bread, three in ale and three in meat or fish, according to the requirements of the date, and also, to wit, that the Friars Minor of the same town, of the Observance, will have twelve portions.[111]

Given that the setting up of such foundations was well beyond the means of the poor, praying on behalf of the dead was one way to alleviate their own time in purgatory; meanwhile, the 'dole' given to the poor provided relief in the temporal sphere.

Fasting

As noted above, along with prayer and the giving of alms, fasting was also one of the principal penitential practices. John Ireland, warning against excess, cautioned that 'ye persone suld fast sa discretly yat ye nature of ye bodye by nocht distroyit na hevely hurt.'[112] The advantages of fasting, however were that 'it chastis ye bodye,' strengthened the body to overcome evil, 'liftis ye mynd of a persone fra falss and werldy thingis to considere celeestiall hevinlie and godly thingis,' and that it 'gevis werteu in yis lyf and grace and efter yis present lyf eternall and euerlestand Ioye in paradyss.'[113] As with other penitential acts, Ireland advised that fasting be done with the right intention, alongside prayer, and that it be done in an attitude of contrition, grace and charity. Further, the giving of alms to the poor was also encouraged, so that they would pray for the penitent to be delivered of their sins.

Fasting was to be of forty days duration during Lent 'for ye example of Ihesu,' however Sundays were to be non-fast days 'for ye honour of ye resurrectioun of Ihesu yat ete twyss on pasche daye.'[114] Ireland further believed that fasting in Spring

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[111] Foggie, *Renaissance*, 198. See also Bryce, *Grey Friars*, 198.

[112] Ireland, 'Of Penance', 37.

[113] Ireland, 'Of Penance', 37, 39.

[114] Ireland, 'Of Penance', 40.

helped to check the lusts of the flesh. The reasoning given was that as the sap rose in nature, so the inclination to sin also rose in humans. Should a penitent undertake to fast at other times of the year, Ireland advised that they were to continue fasting even if feasts, such as Yule, fell on a day other than a Sunday.[115]

Concerning food, the eating of meat between Ash Wednesday and Holy Saturday was prohibited, as was the consumption of white-meats.[116] During the rest of Lent Bossy notes that people lived on:

> a diet of vegetables, and of fish if they could afford it, which with the development of the northern fishing industry in the fifteenth century it seems likely that they could. This slimming diet was to be consumed at a single meal, in principle not before nightfall, though popular and monastic hunger had been drawing it inexorably forward towards noon; this seems to have been the general practice in the fifteenth century, along with a little something in the evening.[117]

Fasting extended beyond food: sexual abstinence was also expected although, as Bossy observes, 'married couples were no longer obliged to abstain from intercourse for the whole forty days.'[118] Not all were obliged to fast, however. Ireland's list of exemptions were young people who had not reached maturity; the elderly; new mothers; nurses; poor labourers 'that has nocht sustenance ynough'; those on a demanding pilgrimage; and servants who in the course of their duties had to 'obey to yair masteris yat makis richt lang dyneris and will yat ye sservandis tast yair meit.'[119]

Pilgrimage

Outwith prayer, almsgiving, and fasting, the act of undertaking a pilgrimage was also a popular penitential practice. Within Scotland popular places of pilgrimage can be seen in fig. 2 in the appendices.[120] Major centres of pilgrimage were Tain, St

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[115] Ireland, 'Of Penance', 41.

[116] Bossy defines these as 'any food derived from animals or poultry like milk, butter, cheese and eggs.' See further Bossy, *Christianity*, 51.

[117] Bossy, *Christianity*, 50-51.

[118] Bossy, *Christianity*, 50.

[119] Ireland, 'Of Penance', 41.

[120] Appendix 2, fig. 2, 245. The map is from McNeill and MacQueen, *Atlas*, 377.

Andrews, Dunfermline, Glasgow, and Whithorn.[121] Other sites of pilgrimage included Aberdeen, Dundee, Perth, St Monance, the Isle of May, Whitekirk, Musselburgh (Loretto Chapel), Peebles, Old Melrose, Restalrig, Culross, Inchinnan, Berneray, Freswick, and Linlithgow.

High-profile penitent, James IV, regularly undertook pilgrimages, making an annual pilgrimage to Whithorn to visit the shrine of Saint Ninian, and is recorded as travelling there 'in summer in festive spirit and good company.'[122] He also travelled to Tain to St Duthac's shrine, to the shrine of Our Lady of the Hamer at Whitekirk, and made frequent pilgrimages to the shrine of Saint Adrian and Companions, Martyrs, on the Isle of May. David McRoberts notes the mutually beneficial relationship between James and the hermit tending the shrine on the Isle of May, stating that:

> King James IV paid several visits to the Isle of May to venerate the shrine of the island's martyrs and to shoot seafowl. The hermit seems to have encouraged the king in both pursuits. In 1504, James was on a pilgrimage to the island, taking with him the clerks of the Chapel Royal to sing mass and, on that occasion, he gave the hermit ten shillings.[123]

A generous pilgrim, James is recorded as making an offering of eighteen shillings at St Andrews on the feast of Saint Michael in 1495, and accounts also highlight that he spent considerable money on the buying of *signacula* – pilgrim badges – and tokens. In 1504 at Whithorn he spent 4 shillings, and in 1505 he spent nine shillings on

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[121] St Andrews housed the relics of Saint Andrew while Dunfermline Abbey was the site of a shrine to Saint Margaret. Glasgow Cathedral held the relics of Saint Kentigern: his shirt, comb, and the tomb in which his body lay. In 1420, Pope Martin V granted forty days off the total time spent in purgatory to pilgrims arriving on Saint Kentigern's feast-day. There were also two silver crosses which contained pieces of the True Cross, reliquaries containing the hair and milk of the Virgin Mary, part of the manger, and Saint Thomas' shirt and comb. Many of these relics subsequently disappeared with Archbishop James Beaton on his departure to France in 1560. Whithorn was the site of a shrine to Saint Ninian.

[122] Margaret was carrying her first child James and was very close to term. The child was born on 21 February 1507 and died a year later, on 27 February 1508. *Accounts of the Lord High Treasurer of Scotland*, vol. 1, ed. Thomas Dickson, (Edinburgh: H.M. General Register House, 1877), 77.

[123] David McRoberts, 'Hermits in Medieval Scotland,' *Innes Review* 16, no. 2 (January 1965): 206.

these. James also paid for a new reliquary to be made to re-house the remnants of Saint Ninian's relics.[124]

A pilgrimage, either at home or abroad, might also be prescribed by a confessor to a penitent who had confessed to a serious offence such as a major dispute, or the taking of a life. To demonstrate that they had made their satisfaction, such penitents were also required to bring back a formal certificate which verified that the pilgrimage had been duly accomplished. An example from St Andrews of just such a pilgrimage having been undertaken comes in the form of a pilgrimage certificate of 1333 from Saint-Omer, in France. One William Bondolf had killed a man named André d'Esquerdes. Bondolf's penance was to pay a fine of twelve livres to have thirteen masses sung for the soul of the deceased, and to make an expiatory pilgrimage to St Andrews. Peter Yeoman notes that:

> Bondolf duly performed his pilgrimage and on 29 May 1333, the Saturday before Trinity Sunday, he received his certificate, certifying the fulfilment of his pilgrimage, from the prior of St Andrews, John of Gowrie. On 26 June 1333, he was back in Saint-Omer, presenting the certificate to the judicial authorities and being absolved from his crime.[125]

In this particular case, the specific requirement to make a pilgrimage to St Andrews may have been that Andrew was the patron saint of the deceased.

Concerning dispute and, in particular, bloodfeud, references in protocol books are made to the 'four heid pilgrimages.' Denis McKay notes that:

> the phrase was current in the first half of the sixteenth century in Scotland and probably figured in the style books of notaries because visits to the "heid pilgrimages" usually formed part of the bonds of reparation for homicide.[126]

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[124] Dickson, *Accounts*, 242. James V is recorded as having made a pilgrimage to St Andrews at Michaelmas in 1531, requesting one of the Grey Friars from Stirling to come and hear his confession. See David McRoberts, 'The Glorious House of St Andrew,' in *The Medieval Church of St. Andrews*, ed. David McRoberts (Glasgow: Burns, 1976), 95. Concerning the reliquary, see Peter Yeoman, *Pilgrimage in Medieval Scotland* (Edinburgh: Historic Scotland, 1998), 38–39.

[125] See Yeoman, *Pilgrimage*, 155.

[126] Denis McKay, 'The four heid pilgrimages of Scotland,' *The Innes Review* 19, no. 1 (1968): 76–7. The word 'heid' in this case refers to the four main pilgrim sites in Scotland.

An entry from the *Protocol Book of John Foular*, dated 15 May 1525, records the agreement between John White from Edinburgh and Thomas Hamilton, father of William Hamilton, whom John had killed during the course of a blood feud. By way of making reparation for the murder, John agreed to pay one hundred merks as well as 'sustene a preist to sing ane yeir for the saule of the said umquhile William ... And inlikwis of the mes in scala celie in rome and of the four heid pilgrimagis.'[127]

On 16 March 1530, in another case concerning feuding, this between the Kerrs and the Scotts, Walter Scot of Branxholm was, like White, required 'to go or cause to go to the four heid pilgrimages of Scotland', this in order to ensure masses were said for the souls of Andrew Kerr and all those killed during feuding in Melrose.[128] While McKay is unsure as to which places comprised these 'four heid pilgrimages', given that Whithorn, Glasgow, Dunfermline, and St. Andrews were all major centres of pilgrimage it would not be unreasonable to suggest these as the most likely candidates.[129]

As part of the overall performance of penance when making pilgrimage, pilgrims traditionally wore a special costume, which signified to all who saw them who they were and what their purpose was. The pilgrim, or pilgrim group, would arrive at

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[127] See below, Section Two, Chapter Five. This particular account is record number 592, in John Foular, *Protocol Book of John Foular 1514-1528: Volumes II and III*, Scottish Record Society (Series) 75 (Edinburgh: Scottish Record Society, 1942), 183.

[128] GD/40/3/147 Newbattle: Inventory of unconnected writs of some acres in and about Newbattle purchased from Mr. David Lindsay, ii, 146, penes, GD/40/3/147 Newbattle, NAS.

[129] The most popular destinations abroad for Scots, if they were able to undertake such a journey were Rome, Compostela and the shrine of Saint James the Great, Amiens to venerate the relic of the head of John the Baptist, and the ultimate pilgrimage to the Holy Land. As with pilgrimages made within Scotland, the timing of the journey for those travelling abroad played a crucial role if the pilgrim wanted to arrive on the saint's feast day and gain plenary indulgences – these reduced time spent in purgatory. Pilgrims travelling to Rome would leave Scotland towards the end of winter, with the aim of arriving in time to take part in rites during Holy Week and Easter. Proving that fundamental need by humans to leave their mark, and also evidence that Scots did indeed make the journey to Rome, 'one group visited the San Callisto catacombs on the Via Appia, and left behind graffito on the walls which read "some Scots have been here", accompanied by the date 1467.' The advantage of an end-of-winter departure from Scotland was that it enabled Scots seeking to make the further journey to Jerusalem to arrive in Venice in time to mark the festivities for Saint Mark, the city's patron saint, on and around 25 April. Embarking from Venice on ship to the Holy Land, pilgrims spent the voyage in cramped conditions and some, like Robert Blackadder, the first Archbishop of Glasgow, died within days of reaching their target. Blackadder died on 28 July 1508. Given the length and difficulty of the journey, those travelling to Jerusalem were 'offered the greatest spiritual rewards of all, with pilgrims being cleansed of all sins as they entered the Holy Sepulchre, built over Christ's tomb.' See Yeoman, *Pilgrimage*, 117.

their local church, dressed in a humble pilgrim's cloak and cap, and with a pilgrim badge. At the church, they would receive a blessing for their journey and would then be given a staff and scrip that had been placed on the altar. Family, friends, and well-wishers would then walk with them for a while until it was time to say their farewells, some of which would be their last farewell.

Other forms of satisfaction

As well as the varieties of satisfaction discussed above, both church and social organisations such as guilds utilised particular rituals to assist with dispute settlement and to effect the reconciliation of neighbours. Contained amongst the records of the commissaries general of James, Archbishop of Glasgow, is an account of a dispute that occurred in Durisdeer between a parishioner and the parish priest.[130] The extract is also a rare description of the ritual employed in the reception of an excommunicate.[131] The parishioner, John Purdy, had been charged with threatening

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[130] No date is given in the document and the materials before and after do not adhere to a linear chronology, although all surrounding cases fall within the time of the elder James Beaton. Further, the case is found within a set of typescripts by Dr Annie Cameron *'Epistolae Regum Scotorum': Letters of James III-IV and styles of ecclesiastical documents, 1488-1513* which suggests a date within the years 1508-1513. NAS catalogue RH2/8/35, f.58-60.

[131] It would appear that one other reference to an excommunicate being reconciled is known of, that of Alexander Stewart, Earl of Buchan c.1389/90, found in *Registrum episcopatus Moraviensis e pluribus codicibus consarcinatum circa A.D. MCCC, cum continuatione diplomatum recentiorum usque ad A.D. MDCXXIII*, ed. Cosmo Innes, Bannatyne Club publications no.58, (Edinburgh: Bannatyne Club, 1837), 382–383. The record notes the aftermath of the burning of Elgin and the cathedral in June 1390. Having incurred the sentence of excommunication, Alexander, in the company of his band of warriors, returned to Elgin on 6 October 1390. In what appears to be a demonstration of contrition – the term used is *ad cor redeuntes*, 'returning to the heart' – Alexander and his followers humbly begged to be absolved. The absolution was performed by William of Spyny, bishop of Moray, in his pontifical robes. The apparently penitent Alexander was required to appear in front of the doors of the church, and thereafter he was to go to the great altar for the absolution itself. No mention is made of posture here. Alexander offered a large candle [*torticium*] with gold impressed into it; a cross was to be erected with a bell as part of the satisfaction. I am grateful to Professor John Richardson for his advice concerning some of the Latin within the extract, and to Stephen Holmes and Dr Jamie Reid-Baxter for their help confirming the dearth of extant sources on ritual practice for the reception of excommunicates in Scotland prior to 1560. That this particular record survives is indicative of the high profile of Alexander Stewart as the fourth son of Robert II, and of the political power struggles amongst the king's sons. Added to this was Alexander's dispute with Alexander Bur, bishop of Mar, concerning episopal lands and ecclesiastical power and events in the wake of the dispute. In 1389, Robert, acting as guardian of Scotland, had encouraged Alexander's wife Euphemia to sue her husband before Bur and the bishop of Moray; Alexander had been in a permanent relationship with another woman and both bishops ordered him to return to his wife. Further, Robert had taken control of lands formerly within Alexander's orbit and further dismissed him from his role of justiciar. With the death of the king in 1390 and the struggle for power between his brothers John and Robert looming, Alexander attempted to re-establish his power in the north. See further A. Grant, 'The Wolf of Badenoch', in *Moray: province and people*, ed. W. David H. Sellar (Edinburgh: Scottish Society for Northern

William Larde in the parish graveyard. While an attack upon a member of the clergy was already a serious charge, compounding the matter was the desecration of holy ground. To make satisfaction, and resolve the dispute, commissaries acting on behalf of the archbishop ordered Purdy to go:

> prone, barefooted and bare headed, to the said parish church with a candle in your right hand and a bare knife in your left hand, and prostrate on your knees before the south gate of the said church at the time of divine service publicly and in presence of parishioners, as is the wont of penitents, beg to be received to the fold of Holy Mother Church, and, received by the curate of the church, to be led towards the font to the step of the high altar, and there on your knees humbly ask pardon of God and the foresaid sir William, then present for the time of divine services. [132]

That Purdy had been excommunicated is indicated by the telling phrase 'beg to be received to the fold of Holy Mother Church.'[133] The potential jurisdictional difficulty here is that the record omits any direct mention of an episcopal absolution being performed within the ritual process described; only a bishop had the authority to loose an excommunicate.[134] Given that bishops had power to delegate their authority on occasion to specially chosen officials the assumption here is that the commissaries general in this particular case would have been given such powers.[135] A further phrase in the above account 'as is the wont of penitents' indicates that the ritual undergone by Purdy was one in regular use rather than a one-off occurrence. If so, Purdy's ritual provides striking evidence of continuity of practice in Scotland after 1560 as is seen in Section Two.[136]

Studies, 1993), 143–161 and S. I. Boardman, 'Lordship in the north-east: the Badenoch Stewarts; 1: Alexander Stewart, earl of Buchan, lord of Badenoch', *Northern Scotland* 16 (1996): 1–30.

[132] RH2/8/35, f.58-60, letters citatory and penal confirmed by commissaries general of James, Archbishop of Glasgow. See n.130 above. See also Fitch, *Search*, 81.

[133] The ritual practice of excommunication prior to 1560 will be further addressed in Section Four, Chapter Eight.

[134] This is made clear in the *Catechism*, which states that 'as the bischope hes powar to curs siclyk men, sa hes he powar to lowse thame and assoyle thame, quhen thai ar penitent and obedient.' Hamilton, *Catechism*, 234.

[135] There were different types of commissaries: greater, territorial, general, and officials. The role of commissaries general is unclear. Simon Ollivant believes that: we can only conclude that the office of commissary general carried an authority at least equal to that of an official and it could be employed either to assist the official, or to replace him during a temporary vacancy or, as at Brechin or Dunblane, to replace him entirely.' See Simon Ollivant, *The Court of the Official in Pre-Reformation Scotland* (Edinburgh: Stair Society, 1982), 39.

[136] Purdy's reconciliation ritual will be further discussed in Section Two, noting continuities of practice.

The penitential ritual itself was designed to ensure the maximum humiliation of Purdy: symbols of obeisance which demonstrated the lowering of his status abounded in gesture, word, costume and choice of other performers in the drama. Purdy was to be 'prone', to be 'prostrate on his knees' at the main entry point for parishioners who would walk past him on their way in to worship. The entry stresses the public nature of this ritual – this was not private penance, rather it ensured maximum visibility within the wider community during the main service. Further emphasising the public spectacle, during the service Purdy was to be led past the font – a symbol of baptism, the first 'plank' that rescued from sin – and taken to the first step of the high altar where he would once again kneel. Another symbol of humiliation was seen in the reception of Purdy by the curate, the lowest-ranking member of the clergy. Purdy was to beg the curate and the passing parishioners to be received into the church, rather than walk in freely and unannounced. Humble speech was indicated by the manner of language used at the door to parishioners and curate – he was to 'beg to be received' – and the dialogue with the priest upon the altar step where Purdy was to kneel and 'humbly ask pardon.' Humiliation was further compounded by costume, or in this case, lack thereof: Purdy was required to endure the shame of being barefoot and bare headed.

The props used in this penitential drama were a candle and a knife. No detail is given in the record of the size of the candle and, as will be seen below with guild rituals, weight of candles, and thus their cost to the penitent, could vary. The knife was a visible demonstration of Purdy's initial offence. If Purdy was right-handed, the added specification that he carry the bare knife in his left hand was a highly symbolic demonstration that the potential threat had been effectively neutered, and that the knife, too, had been reconciled and re-ordered for right use. On a more prosaic level, it was also a useful preventative should Purdy be tempted to use the knife in public. Having fulfilled the requirements laid down by the commissaries, Purdy was duly pardoned. Thereafter, he was to leave 'the candle and the knife in the church as a perpetual "example to others".'[137]

[137] See RH2/8/35, f.58-60, letters citatory and penal confirmed by commissaries general of James, Archbishop of Glasgow. See also Fitch, *Search*, 81.

Guilds too, made use of penitential rituals for members who disturbed the harmony of the group. An exploration of the surviving minutes of the Perth Guild of Hammermen highlights the use of the church for penitential rituals played out in this more secular setting. Most of these rituals of reconciliation occurred at the altar of St Eloy, the Guild's patron saint, but occasionally the high altar was used. On 17 September 1538, an unspecified dispute is recorded between two Guild members, Robert Robertson and Andrew Bridie. Robertson was at that time on the council of the Guild. The Guild found Bridie to be at fault and decided that he should make a public reconciliation – in two different locations. Bridie was to

> cume to the Market Cross, and sit down upone his knees, and to tak his quhingar in his hand, and deliver it to Robert Robertsoun for the falt that he maid to him, and the said Andro to mak ane pound candill agane Vitsounday nixt to cume, and to cume to Sanct Eloyis Alter, and to offer it to the Dekyn and the brether of the samyn, for the faultis that he did to thame.[138]

The scene at the market cross began, as with the Purdy case above, with the lowering of status through the recognised gesture of kneeling. In respect of the knife as a ritual prop, in handing over his knife to Robertson, Bridie was effectively further disempowering himself by making himself vulnerable; it was the equivalent of symbolically relying upon the mercy of Robertson not to take advantage of this power position.

The latter more private act of reconciliation was performed discretly at a side-altar dedicated to the patron saint of the Guild, as opposed to centre-stage in the case of Purdy. The offering of the one-pound candle to the deacon and Guild demonstrated that the dispute had not only affected Bridie and Robertson, but the rest of the group as well and as such, reparation and reconciliation was required. Disharmony and dispute were strongly discouraged through the use of two public locations, the more

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[138] Robert Robertson appeared as the wronged party in a further dispute on 26 March 1545. An Alexander Whitehill exhorted the entire Guild to remove James Beltan the deacon, Robert Robertson, and David Kelour prior to certain decisions being made concerning Whitehill's behaviour. The record subsequently makes clear that Whitehill had been 'manassing and dispersoning' all three in front of the entire Guild, insulting and harassing them in public in front of their peers. Whitehill was found to be at fault and was required to 'sit down upone his kne and sall ask forgiffness, first at the dekyn, secundlie at Robert Robertsoun, and thridlie at David Kelour for the saidis faultis, promittand never to do siklyke, and sall pay to Sanct Eloy thre pounds of wax incontinent.' Hammermen Incorporation (Perth, City of), *The Perth Hammermen Book, 1518 to 1568*, ed. Colin A. Hunt (Perth: Hammermen Incorporation, 1889), 39, 53.

highly public market cross and the semi-public side-altar in the church. The whole community would have seen the first performance, while the second act in the drama was for the members of the Guild. In a record noting a dispute amongst the apprentices which had led to bloodshed, the offenders, having performed their rituals of reconciliation were reprimanded to behave, and not cause division, 'to be ane as thai suld be.' Perhaps to encourage unity, the entry immediately following records the Guild agreeing that apprentices were to be banned from wearing whingers.[139]

Several entries in the Guild minute-book record dispute settlement rituals being set at the time of mass, potentially providing a pre-cursor to Protestant insistence that discipline was performed in the 'face of the congregation.' On 18 July 1547, John Lufrent was accused of dispersoning and menacing the deacon, causing great contention.[140] John was to:

> cume on Sounday that nixt cumis in the tyme of the mess in presence of the Dekyn and haill Craft with ane poind candill in ilk hand, and thair sall ask the Dekyn and haill Craft forgifness. And also sall ask the Dekyn and haill Craft forgifness quhair he maid him the falt.

His two apprentices were also required to pay one pound of wax and ask the deacon forgiveness in the place where the fault occurred.[141] The specific mention of 'hie

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[139] The ritual itself was a more private affair, that is, it was performed in front of the Guild. Those who were found to be principally to blame were to 'cume altogidder and pass bairhaid befoir the Craft berand thair drawin quhingaris in thair handis be the poynt. And they sall sit doune upone thair kneis and sall deliver thair quhingaris be the poynt as said is to the Dekyn, and ask him forgiffnes and the haill Craft of the iniuries be thame in the tyme of the Craftis conventioune, promittand faithfullie nevir to do siklyke in tymes cuming.' All of them were to pay one pound of wax for the altar of St Eloy, with the three ringleaders, David Horne, Andrew Webster, and James Rey, who due to their actions caused 'gret apperance of skaith and sclauchter' punished further by being fined the cost of two pounds of wax for the altar. Hammermen Incorporation, *Hammermen*, 59. On a wider community scale concerning harmony, one member of the Guild was not only punished for disobedience; it would also appear that his wife was the cause of some contention by being rather frank with her comments. On 24 September 1548 William Giffen was deemed disobedient and instead of a mention of buying wax or a candle he was to 'ressave ane candill fra John Strait at his buthe dure. And sall cumebefoir the Dekyn and Craft to the kirk bairhaid, and sall offer the said candill to Sanct Eloy upone his kneis, and sall ask the Dekyn forgifnes.' Is this perhaps a comment on his financial situation? Giffen was also to stop his wife from using 'iniurious vordis in tyme cuming sa far as he may,' the latter phrase a recognition that he had only so much control over his wife! *Hammermen*, 69.

[140] To 'disperson' someone was to abuse or insult them.

[141] Lufrent, appearing not to have amended his ways, was subsequently charged with insulting several of the Masters of the Guild in a record dated 14 May 1548. Found guilty, he was to'ask forgifnes upone his kneis fra the said Dioneis and haill Craft upon the Brig of Tay, quhair he maid the fault.' He was also fined two pounds of wax for the altar. *Hammermen*, 62, 66.

mess' is recorded in an entry from 12 January 1549. The Guild deacon John Kinloch brought a complaint to the Hammermen concerning the behaviour of his servant George Colt who had drawn a whinger upon him. Colt was found guilty and in front of the assembled Guild was to go to Kinloch's booth bareheaded and offering his whinger. The ritual was then continued during high mass the following morning at the altar of St Eloy. Colt was required to 'offer ane pound candill of valx in tyme of hie mess to the said Johne, Dekyn, befoir thair alter, and put him in his maisteris will.'[142]

On a broader public scale, performed penitential rituals around the resolution of verbal disputes, which had not been resolved privately, were carried out in the church at High Mass. The gestures and symbols employed were not dissimilar to those utilised by the Guild of Hammermen, and John Purdy's reception into the church, suggesting that these were widely known and understood by the community as a whole. Penitents made their way into the church and up to the altar as part of a procession, usually carrying a candle. Further, emphasising their humiliation, penitents were usually expected to wear sackcloth or linen, and to appear bare-footed, bare-legged, and bare-headed. The penitents' humiliation was further compounded by the gesture of sitting upon their knees. There, in full view of the congregation, penitents would recall their errant speech using a specific speech formula, saying 'tongue you lied,' after which they would ask for forgiveness from God, the people of God, and the one who had been caused damage by the deviant words.[143]

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[142] *Hammermen*, 71. After the Reformation, there were fewer recorded instances of dispute settlements, the kirk sessions having become more the place of mediation and discipline. However, the Hammermen continued to use the fine of wax or candles for the church. The wording of a general ruling concerning fines in an entry dated 11 May 1593 avoids the subject of altars to saints; however, it specifies that an offender 'sall pay to the licht of the kirk ane pound of wax.' Again emphasising community harmony, the record proceeds to note that if a brother had persistently failed to pay the said fine, he was to be effectively excommunicated from the society of the Guild. He would be 'dischairgit of gude nychtbowrhaid, borrowing or lenning, eitting or drinking, and of all uthir thingis thairto perteining.' Any brother who contravened this and spent time in the company of the offending brother would be required to pay 'to the lycht of the kirk twa poundis of wax, or the price thairof.' *Hammermen*, 103.

[143] See further Elizabeth Ewan, '"Tongue you Lied": the role of the tongue in rituals of public penance in late medieval Scotland,' in *The Hands of the Tongue: essays on deviant speech*, ed. Edwin Craun (Kalamazoo (Mich.): Western Michigan University, 2007), 119–120.

Beyond the layers of religious symbolism found within the walls of the church, other settings for the performance of reconciliation rituals provided their own particular contextual layers of meaning. Elizabeth Ewan observes that the market cross 'symbolized the king's peace, a peace that had been broken by the evil words of the defamer.' Further, if the church was the soul of the community, the market cross acted as its heart; performing repentance and reconciliation here 'represented in physical form the community that had been injured.' Aptly, here, destructive speech was reconstructed, for the site of the market cross was the 'place where constructive use of the tongue was made to teach citizens the laws under which they should govern their conduct and behavior.' Laws, both local and national, were proclaimed at the market cross, along with 'open proclamation of the banishment of those who did not obey these laws.'[144]

Ewan notes that the earliest extant record of the 'tongue you lied' ritual is from 1509. An entry in the Aberdeen Council Registers from April 1509 records the case of three fishermen who, lost in their cups, decided to insult a local burgess named John Arthur. After having spent time in the pillory, where they were to remain at Arthur's pleasure, they were required to go to the church the following Sunday at the time of High Mass. There they were to present themselves bare-legged, barefoot, and bare-headed in order to heighten shame, and ask Arthur's forgiveness on their knees. Along with the humiliation of being on their knees semi-clad, the three hapless fishermen were then required to take back the words they had said to Arthur by rebuking the implement of the offence, their tongue. Having asked Arthur's forgiveness, they were to state 'toung yai leid quhar yai said he was ane theif. And allege & declair yt yai war drunkin.'[145] The words previously spoken were now unspoken, and with it the restoration of good name and good order, with both parties able to move on and start afresh.

On the cusp of the Reformation in Scotland, an entry in the Records of Inverness from 3 April 1560 describes the repentance ritual of one Ewan Tailor who had rather

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[144] Ewan, "Tongue you Lied", 121.

[145] RH4/145/3, *Aberdeen Council Registers* 8:949-50.

unwisely used ‘injurious words’ to several of the town's officials. In this particular instance, wounding words were accompanied by physical assault, and Tailor was required to do a very public penance. The record reads as follows:

> Ewyn Talyeour is desernit be decret of curt for dispresing of Mathow Paterson, balye, and of George Simonson and Thom Robertson, officaris, for injurius vordis gyfin to the balye and dingyn of the officaris, is jugit in admerciament and ordanit be the prowest and balyes that he salbe pot in the gewis [pillory] on Palme Sunday, and thairefter brocht to the tolbuyth stare and sit on his kneys, and say False tong, yow led, taken it in his hand, and askan forgywenes at the balye, and gyf he beys fundyn with sic ane falt agane he salbe banist of this towne for ewyr.[146]

On Palm Sunday, he was to be pilloried, after which he was to be brought to the tollbooth stair, sit on his knees and say ‘false tong, yow led’, having taken his tongue in his hand. This latter, very specific, detail raises a question concerning the actual performance: did Tailor physically hold his tongue whilst repeating the speech formula, which would have produced relatively garbled speech? Alternatively, was Tailor required first to hold his tongue, to highlight the offending implement, and after having done so did he then let go and utter the speech? Given that the point was to take back wild speech, clarity of speech would have been important: reputation needed to be restored. On the other hand, that the initial words were themselves considered deviant, and thus disordered, the symbolism of uttering garbled speech within the reconciliation ritual does have an appeal. Thereafter he was to ask forgiveness of the offended parties and was threatened with banishment if he ever repeated his offence.

Ewan notes that the ‘tongue you lied’ formula was in use in at least six pre-Reformation Scottish towns – Aberdeen, Dundee, Inverness, Linlithgow, Perth, and Stirling. Patchy survival of records makes it hard to ascertain where else this ritual may have been used. However, where it was employed, it was in instances where the hierarchy had been challenged, as opposed to restoration of neighbours who were of equal status. Ewan claims that:

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[146] *Records of Inverness*, vol. 1, eds. William Mackay and Herbert Cameron Boyd (Aberdeen: New Spalding Club, 1911), 43.

> in those towns were it was used, it generally was reserved for those cases that were seen as particularly grievous, involving the slander of high-ranking local officials or offences by persistent offenders.[147]

Used sparingly prior to 1560, and only in those instances where authority had been threatened in some way as in the Tailor case above, the 'tongue you lied' ritual was seized upon enthusiastically by Reformers. It became the favoured method of repentance and reconciliation rituals in cases of verbal offence.[148]

'ane preist the minister of Christ ... hais auctoritie to assoilye the'[149]

The performance by the priest of absolution – the purpose and end-product of the three stage process of the sacrament of penance – is described briefly in the *Catechism* where, it notes:

> the minister thairapon, according to the evangil pronounce the sentence of absoloutioun, sayand: Ego absolvo te a peccatis tuis, In nomine patris, et filii, et spirutus sancti. Amen. I as the minister of Christ be his auctoritie committit to me at this tyme, assoilyeis and lowsis the fra thi synnis, in the name of the father, and the sonne, and the haly spreit. Amen.[150]

In the extract, the role of the priest is noted twice, as is a restatement of his authority to absolve. The poet David Lindsay, in his less than sympathetic work written in 1554, *Ane Dialogue Betwix Experience and ane Courteour*, described the power position thus:

> Sa greit ane prince, quhare sall thou find,
> That spiritually may louse, and bind;
> Nor, be quhame, sinnis are forgevin,
> Be thay, with his disciplis, schrevin:
> Quhame ever he bindis, be his micht,
> Thay boundin ar, in Goddis sicht:

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[147] Ewan, "Tongue you Lied", 116. Ewan also provides a couple of post-1560 examples; this serves to demonstrate ritual continuity of practice. See St Andrews, 1579, in RStAKS 1; 441, and Aberdeen in 1609 in *Selections from the Records of the Kirk Session, Presbytery, and Synod of Aberdeen*, ed. John Stuart, Spalding Club 15 (Aberdeen: Printed for the Spalding Club, 1846), 170–173. See also Todd, *Culture*, 251.

[148] A much broader discussion on these rituals will be undertaken in Section Two, Chapter Four, which considers the Kirk and rituals of repentance used in cases of verbal dispute.

[149] 'Assoilye' – absolve.

[150] Hamilton, *Catechism*, 225.

Quhame ever he lousis, in eirth heir doun,
Ar lousit, be God, in his regioun.[151]

The statement of priestly authority made immediately prior to the absolution served to reinforce the role of the priest and priestly power. Further, given that the act of absolution had no obvious visible sign such as the bread and wine of the Mass, or water of baptism, it also acted as a reassurance to the penitent to trust that the words about to be spoken were a sign of the divine action. This was reinforced once the 'comfortabil wordis of remissioun of synnis' and three-fold amen had been pronounced, with the *Catechism* exhorting the newly cleansed penitent to believe in the power of the sacrament.[152]

Prior to July 1560, unless an offence was deemed so serious as to be made public to all, the drama of discipline involved a more private performance between a priest and a penitent. While confession and the subsequent satisfaction was a requirement for all who belonged to the godly community, the community performed this duty individually. Some acts of penitential satisfaction were more obviously visible than others, such as pilgrimage, for example: however, the offence of the penitent was not generally known by the community. Penance was not always performed upon one central stage in front of the entire community; rather, there were various arenas within and without the church building itself. Inside the church both the high altar and side-altars were utilised. Remaining within the town or village, but beyond the confines of the church, performances also took place at the civic heart of the community, the market cross. Other locations directly connected to a specific offence were also used for ritual reconciliation, particularly in the case of disputes between neighbours. Extending beyond the immediate community, the performance of penance took on a peripatetic nature, moving out into the wider world through the ritual act of pilgrimage. Adding to this mix of locations, further distancing from a centre-stage occurred through monetary options: paying others to perform acts of penance on one's behalf, or making substantial donations to the church such as

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[151] Lindsay, *Poetical Works*, 99.

[152] 'And Unto this absolutioun O christen man thow suld geve feme credence, and beleve sickerly with ane perfite faith that thi synnis ar now forgevin to the frely for the meritis of Christis passioun, quhilk meritis is now applyit to thee be the sacrament of Pennance.' Hamilton, *Catechism*, 225. No mention of any accompanying gesture with the absolution, or following benediction, is made in the passage.

funding hospitals or chaplainries, or paying for church furnishings. This disciplinary drama was, therefore, dispersed in nature. It was also cluttered due to the substantial menu of options available through which to make satisfaction. These two features of penitential performance caused difficulty for those inclined to reform: the drama and meaning were obscured.

The coming of the Scottish Reformation and a new ecclesiastical regime, however, did not mean that the disciplinary drama was jettisoned, as Kirk claimed.[153] In the ongoing quest to ensure good order, and to identify the church as the godly community, the penitential play was still performed – publicly at the market cross and in worship, and semi-privately within the kirk session. Reflecting an ecclesiology that identified discipline as one way by which to determine the orthodoxy of a church, the drama of discipline was brought centre-stage. This was done through the 'decluttering' of certain penitential options, the 'cleansing' of the church interior, and the emphasis on penance performed 'in the face of the congregation' within the regular diet of weekly worship.[154] While the church stage had changed physically with the removal of side-altars, for example, and although the structural and theoretical framework of discipline had altered, continuities in ritual performance abounded. At the heart of these rituals was the concern of the Reformers with reconciliation – to God, and to neighbour. The people of God were to present their bodies, through penance, 'as a living sacrifice' and in so doing, to become holy and acceptable to God.

[153] See Introduction, 6.

[154] The latter is within the context of offences that required public repentance.

SECTION TWO/

Reconciling neighbours: promoting piety, preserving order, and pursuing peace

Prelude

> Behold! how good, and how becoming, that brethren should even dwell together! Like the precious ointment upon the head, that descendeth upon the beard, upon the beard of Aaron, which descendeth upon the skirt of his garments. Like the dew of Hermon, which descendeth upon the mountains of Zion, for there Jehovah commanded the blessing, life for evermore.[1]

The conversation between sin and goodness did not stop with the coming of the Reformation in Scotland; a concern with godly order and harmonious relationships, both divine and neighbourly, remained. With the establishment of Protestantism as the religion of Scotland in 1560, the liturgical expression of ecclesiastical discipline was remodelled to reflect Reformed sensibilities. Sweeping away all that cluttered the pathway to 'true' religion, sacraments were reduced from seven to two, and the performance of discipline placed centre-stage within worship. Gaining access to the godly community through baptism, nourished by the Lord's Supper, and sustained within worship through the hearing of the Word, the faithful were strengthened and encouraged to lead godly lives. Scrawled in varying hands upon countless kirk session pages, however, evidence of less than godly behaviour attested to the fact that some believers needed slightly more encouragement. In what follows, Chapter Three discusses the jurisdictional and theoretical frameworks within which the Protestant drama of discipline was performed. The subsequent chapters examine the Kirk's role as both mediator and arbiter in neighbourly dispute, analysing specific rituals employed to restore harmony. Chapter Four examines a uniquely Scottish approach to resolve verbal dispute, while Chapter Five considers ritual reconciliation in the face of physical violence and bloodfeud. Although the sacrament of penance had been brushed aside in the 'cleansing' of the Kirk, the re-formed drama of discipline was the 'precious oil' that continued the work of reconciliation, promoted unity, and contained within it familiar gestures, costumes and props.

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[1] Psalm 133. See further John Calvin, *Commentary on the Book of Psalms*, trans. James Anderson, vol. 5, Calvin Translation Society Publications, (Edinburgh, 1849), 162-166.

Chapter Three/ Reforming holiness: the jurisdictional and theoretical frameworks of the Church from 1560

> Preserve us from damnable errors, and grant unto us such purity and cleanness of life that we be not slanderous to Thy blessed Gospel.[2]

On 17 August 1560, the spiritual call to holy conduct found political voice by means of an Act of Parliament which 'notifeit unto the warld the soume of that doctrine' professed by Protestants.[3] The doctrine contained within what is now known as the *Scots Confession* was both catechism and compass, instructing the nation as it navigated the stormy sea of sin. The visible church, with the backing of Parliament was to be 'an agent of sanctification in the larger society where every aspect of life is to be brought within the orbit of Christian purpose and Christian regulations.'[4] The law of God and the law of the land were to be united in common purpose, working together for the glory of God to the blessing of his people.

A week later, Parliament, noting the 'hurtful and prejudiciall' effects of papal jurisdiction upon both the sovereignty and commonweal upon the realm 'statute and ordanit that the Bischope of Rome haif na jurisdictioun nor autoritie within this realme in tymes cuming.'[5] Along with nullifying papal authority by the stroke of a pen, the celebration of the mass was also prohibited. Whilst the Act was approved by the Scottish Parliament in 1560, royal approval was, understandably, not forthcoming from the Catholic Queen Mary, who considered the reforming parliament of 1560 constitutionally irregular. The *Confession* and the subsequent act abolishing papal jurisdiction were finally ratified by Parliament in December 1567 under the watchful eye of Lord James Stewart, Regent Moray, on behalf of the infant James VI.

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[2] From 'A prayer used in the Assemblies of the Church as well Particular as General', in *BCO*, 112.

[3] *Records of the Parliaments of Scotland to 1707*, eds. K.M. Brown et al. (St Andrews, 2007-2013), A1560/8/3. Date accessed: 13 September 2012.

[4] Timothy George, *Theology of the Reformers* (Nashville, Tenn: Broadman Press, 1988), 236.

[5] *RPS*, A1560/8/4. Date accessed: 13 September 2012.

Scottish reformers viewed Scotland as a new Israel, bound, like ancient Israel before it, in a covenantal relationship with God.[6] This special relationship was accompanied by a responsibility to obey God's commands and a call to holy living. Obedience brought God's blessing whereas disobedience had the potential to unleash disaster on a national scale. In order to attain God's blessing by maintaining discipline, the support of civil government was essential; the civil sword of criminal law working alongside the ecclesial sword of discipline was what would give church discipline its sharpness.[7] This was particularly true of those cases considered to be capital offences, such as murder, adultery, and various kinds of witchcraft.[8]

Michael F. Graham notes that:

> most Scottish burghs had networks of courts with jurisdiction in matters of economic behaviour, and their bailiwicks could be extended to the enforcement of Christian brotherhood if a dispute obviously threatened to rend the fabric of civic harmony.[9]

That civil and ecclesial systems were so closely connected is evident in the overlap of people who were on both the burgh council and the kirk session. The kirk session minutes of St Andrews Church records that, at one point, just over half of the session were also on the burgh council.[10] The relationship between church and civil authority was not without its tensions however; while civil government was to be respected, for some, it was also to be resisted if acting outwith the bounds of godliness.[11]

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[6] This theme will be discussed at further length in Section Three, concerning corporate repentance.

[7] An excellent discussion on the implications upon discipline when the civil sword was less closely tied to church discipline can be found in Stewart J. Brown, 'No More "Standing the Session": Gender and the end of Corporate Discipline in the Church of Scotland, c. 1890-c. 1930', in *Gender and Religion*, ed. R. N. Swanson, Studies in Church History Subsidia 34 (Oxford: Blackwell for the Ecclesiastical History Society, 1998), 447– 460.

[8] Knox, *Excommunication*, 449.

[9] Michael F. Graham, 'Knox on Discipline: conversionary zeal or rose-tinted nostalgia?' in *John Knox and the British Reformations*, ed. Roger A. Mason (Aldershot: Ashgate, 1998), 270.

[10] There were fourteen elected elders, eight of whom served on the burgh council. See *Register of the Minister, Elders and Deacons of the Christian Congregation of St. Andrews Comprising the Proceedings of the Kirk Session and of the Court of the Superintendent of Fife Fothrik and Strathearn, 1559-1600*, vol. 2, ed. David Hay Fleming, (Edinburgh: Scottish History Society, 1889), 650.

[11] John Knox, moving towards the more radical opinions of his colleague and friend Chrstopher Goodman, stated a case for subjects to 'oppone tham selfis to thair kingis, whensoevir thay do onie thing that expressedlie repugnes to Goddis commandiment, but also that they may execute jugement upoun thame according to Goddis law.' John Knox, *The Works of John Knox*, vol. 2, ed. David Laing (Edinburgh: Bannatyne Club, 1846), 452. A discussion on the political theories of Knox is

The jurisdictional framework of the Kirk 1560-1610

The abolition of papal jurisdiction brought with it the need to redefine the jurisdictional framework of the newly established church; ecclesiastical courts were required that better represented a different form of church governance. Within the new structure however, some aspects of the pre-Reformation era were absorbed and adapted. The system of the territorial parish was retained, catering to the 'spiritual, educational and social needs' of those living within the geographical bounds, and included in number approximately 1 000 parishes.[12] Implicit in the retention of the parish system was a continuity of thought; the territorial nature of the parish reflected the understanding that the Kirk was the national church. As every person living in the land lived within a parish, the Kirk thus held jurisdiction over all.[13] Continuity was maintained by organising ecclesiastical courts within widening geographical areas of jurisdiction, whose purpose was 'first to keip the religioun and doctrine in puritie without errour and corruptioun, nixt, to keip cumlines and guid ordour in the kirk.'[14]

The Protestant church courts functioned within a hierarchy of committees, with no one person attaining pre-eminence. Further, each of the kirk courts 'gained strength from being part of a national system providing an appeal procedure and furnishing overall direction and cohesion.'[15] Even so, the system of Presbyterian church

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beyond the scope of this study. However, for further reading on this subject see amongst other studies: John Knox, 'The Appellation of John Knoxe', in *The Works of John Knox*, vol. 4, ed. David Laing (Edinburgh: Bannatyne Club, 1855), 465-520; John Knox. 'The First Blast of the Trumpet Against the Monstrous Regiment of Women', in *Works* 4, 363-420; John Knox, *On Rebellion*, ed. Roger Mason, Cambridge texts in the history of political thought (Cambridge: Cambridge University Press, 1994); Jane E. A. Dawson, 'Revolutionary conclusions: the case of the Marian exiles', *History of Political Thought* XI (1990): 257–272; Jane E. A. Dawson, 'The Two John Knoxes: England, Scotland and the 1558 Tracts', *Journal of Ecclesiastical History* 42, no. 4 (1991): 555–576; Robert M. Kindon, 'Calvinism and Resistance Theory 1550-1580', in *The Cambridge history of political thought, 1450-1700* (Cambridge: Cambridge University Press, 1991), 194–200; J. H. Burns, 'John Knox and Revolution', *History Today* 8 (1958): 565–573; W. Stanford Reid, 'John Knox: the first of the monarchomachs?', in *The Covenant Connection: From Federal Theology to Modern Federalism*, ed. Daniel Judah Elazar and John Kincaid (Lexington Books, 2000), 119–142.

[12] McNeill and MacQueen, eds., *Atlas*, 382.

[13] Dawson, *Scotland Re-Formed*, 216.

[14] *SBD*, 197.

[15] Dawson, *Scotland Re-Formed*, 218. A detailed minute from the synod of Fife illustrates its own understanding of the appeals process in relation to the Kirk courts. See further Linda J. Dunbar, 'An Early Record from the Synod of Fife, c.1570', *Records of the Scottish Church History Society* 28 (1998): 233. In the text, the term 'leasum' means morally or legally permissable.

governance was a mixed economy during the period reflected in this study as old and new structures worked alongside, and occasionally against, each other. This was particularly the case with the middle layer of courts between national and local level, the presbyteries and synods, which created 'endless headaches and caused most controversy' especially when the subject concerned the thorny matter of bishops.[16]

The courts of the Kirk:

At the national level, the General Assembly was the highest court of appeal which:

> had its origin in a gathering of Protestants who convened in the capital in July 1560. The occasion was a service of worship and thanksgiving in St Giles kirk for the recent Protestant victory and the treaty of Edinburgh, sealed on 8 July. After worship some business was transacted, to arrange for the approval of some appointments to reformed ministry.[17]

The control of the right of the Assembly to convene, and moreover, to determine where and when it would meet was contested by both monarchs during the time-frame of this study. In 1561, the right to convene an assembly demonstrated the reconciling role of the Assembly with regard to both doctrine and ecclesiastical discipline. In response to William Maitland of Lethington, who opposed the freedom of the Assembly to convene outwith the remit of the monarch, an unnamed party stated:

> it is not to be supposed that all ministers shall be so perfect that they shall not need admonition, as well as concerning matters of doctrine, as it may be that some be so stiff-necked that they will not admit the admonition of the simple; as also it may be that fault may be found with ministers without just offence committed: and yet if order be not taken both with the complainer and the persons complained upon, it cannot be avoided but that many grievous offences shall arise.[18]

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[16] Dawson, *Scotland Re-Formed*, 220. Michael Graham assesses the tensions surrounding church polity in the period between1560-1610, and notes the debates amongst church historians who fall into either a pro- or anti-episcopal position. See further Graham, *Uses*, n.189, 67.

[17] McNeill and MacQueen, *Atlas*, 382.

[18] It was further asserted: 'take from us the freedom of assemblies, and take from us the evangel; for without assemblies, how shall good order and unity in doctrine be kept?' *The Acts and Proceedings of the General Assemblies of the Church of Scotland 1560 to 1618*, vol. 1, ed. Duncan Shaw, Scottish Record Society (Series) new ser., 26-28 (Edinburgh: Scottish Record Society, 2004), 12–13. A later minute taken from the Assembly convened on 6 March 1564 refers to the purifying role of the Assembly, noting 'for the preservation of the holy ministry and Kirk in purity, the Lord has appointed assemblies and conventions.' *APGA 1*, 350.

Disharmony, division, and the spectre of increased disorder would ensue without the freedom to convene and attend to Kirk business.

The General Assembly was generally timed to meet prior to the calling of Parliament which, within an institutional context, it closely resembled.[19] Those attending a meeting of Assembly were of different social statuses and were both lay and ordained – ministers and elders. They were 'representatives of the people of God whether they were nobles, commissioners of burghs, synods, universities or shires.'[20] In line with this ideal of parity, and 'for avoiding confusion in reasoning, but that every brother should speak in his own place,' the Assembly elected moderators to chair proceedings.[21] Unlike the pre-Reformation bishop, the moderator was, as the *Second Book of Discipline* states, 'chosine be commoun consent of the haill brethrene convenit' and was tasked with raising matters to be considered by the Assembly, 'gather the voitis and caus guid ordour be kepit in the assembleis.'[22] The moderatorial role was also limited to the duration of the Assembly sitting, and not a life appointment. Matters discussed at General Assemblies encompassed issues of national concern, specific matters of policy, and issues relating to maintaining church discipline. The latter included instances where particular disciplinary cases had been referred to the Assembly by the lower church courts and tended to concern capital offences such as adultery.[23]

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[19] Dawson, *Scotland Re-Formed*, 220.

[20] Duncan Shaw, *The General Assemblies of the Church of Scotland, 1560-1600: their origins and development* (Edinburgh: The St Andrew Press, 1964), 18. In the *SBD* the reference to non-clerical representatives is phrased as 'eldaris that laubour not in the wo[r]d and doctrene.' See *SBD*,195

[21] The first mention of the election of a Moderator is from the General Assembly record of 25 December 1563. *APGA 1*, 49.

[22] *SBD*, 195-196.

[23] National matters discussed included the Kirk's response to the murder of Henry, Lord Darnley, and the subsequent marriage of the Queen to Bothwell in 1567. *APGA 1*, 138ff. Policy matters included the payment of ministers and conformity of liturgical practice. See July Assembly minutes, in *APGA 1*, 133–135, 136–137. For liturgical conformity, see the instruction of 26 December 1564 that required every minister, exhorter and reader to 'have one of the psalm books lately printed in Edinburgh ... and use the order contained therein in prayers, marriage, and the ministration of the sacraments.' This was a reference to the *Forme of Prayers and Ministration of Sacraments*, printed by Robert Lekprevick in 1564. Later Assemblies instructed an order for fasting and an order for excommunication to be printed. See *APGA 1*, 74–75, 99, 166.

Synods, superintendents, and presbyteries

Two ecclesial courts separated the General Assembly and the kirk session: these were the Synod and Presbytery. As with the General Assembly, where churches were represented at national level, so too within the synod, each church was represented by 'the minister with one elder or deacon' at a provincial level.[24] Through both the wider and lesser regional areas of the synod and presbytery, every church had a platform on which to influence practice and procedural policies in their particular location. In an examination of a record from the Synod of Fife Linda Dunbar states that 'this representative nature was the synod's greatest strength and made it the appropriate body to regulate the affairs of the province.'[25] The matters brought before the synodical courts can be broadly grouped into two key areas, identified by Dawson as 'the regular day-to-day governance of the kirk above the parish level and the careful oversight of the clergy, one of the weaknesses of the pre-Reformation church.'[26]

Charged with the task of oversight, the superintendent was to have a deliberately active, peripatetic ministry, unlike the 'idle Bishops' of the pre-Reformation church. While having a centrally located seat within the province and responsibility for a church, the superintendent was required to undertake a programme of visitation throughout his area, staying 'in no place above twenty daies,' and remaining no longer than four months in his own residence before resuming his rounds.[27] The superintendent was expected to preach at least three times a week and examine 'the life, diligence and behaviour of the Ministers, as also the order of the kirkes, the manners of the people.' Matters relating to the parish provision of the poor, the catechising of young people, and discipline and correction were also a part of the duties of the superintendent. The superintendent also had the power to 'translate

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[24] *APGA 1*, 36. This is further teased out in the *SBD*, which states 'provinciall assembleis we call lauchfull conventionis of the pastouris, doctouris and eldaris of the province gadderit for the commoun effairis of the kirkis thairof,' in *SBD*, 27. Also see *APGA 1*, 587.

[25] Linda J. Dunbar, 'Synods and Superintendence: John Winram and Fife, 1561-1572', *Records of the Scottish Church History Society* 27 (1997): 122. These 'affairs' are alluded to in an uninformative minute from the General Assembly dated 30 December 1562, in which the purpose of the synod is deemed to be for those gathered 'to consult on the common affairs of their dioceses.' *APGA 1*, 193.

[26] Dawson, *Scotland Re-Formed*, 221–222.

[27] *FBD*, 122-123.

ministers from one kirk to another ... and in like manner, charge the minister to obey the voice and commandment of the superintendent.'[28] While superintendents examined those within their province, superintendents in their turn were examined by the General Assembly concerning their own diligence and behaviour.[29] In 1562, superintendents were required by the Assembly to 'appoint their synodical assemblies twice in the year, to wit, in the months of April and October.'[30] Provincial boundaries were adjusted during the 1560s, with an initial ten provinces proposed, eventually moving to fourteen by 1567. Five superintendents were appointed by the Privy Council in 1560 and were active by 1563.[31]

In 1581 the Privy Council and Assembly proposed the restructuring of synodal boundaries. Excluding Argyll and the Isles, eighteen new provinces were to be created. Each province contained several presbyteries; there were to be over fifty presbyteries nationally. Thirteen 'model' presbyteries were to be created in the main lowland towns. Presbyteries 'had medieval precedents, in the strong conciliarist tradition and in monastic governance, especially of the Dominican chapters.'[32] Operating at a more local level than the wider province, presbyteries were 'introduced as a precursor for ambitious plans for near countrywide coverage.'[33] Although the plan was not untouched by the see-saw disputes over polity, nevertheless, 'an essentially presbyterian system prevailed in the years between 1586 and 1592, when parliament affirmed the role and jurisdiction of presbyteries and other courts of the church.'[34] Graham notes that 'with the creation of the presbyteries, the Reformed Kirk of Scotland felt it had the means to enforce uniform standards of behaviour and worship,' and that by 1581 the Kirk could be referred to

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[28] *APGA 1*, 36.

[29] *FBD*, 123.

[30] *APGA 1*, 36.

[31] These five were John Spottiswoode, John Winram, John Willock, John Erskine of Dun and John Carsewell. Due to financial constraints no further superintendents were elected; however the 'assembly ... resorted to its own strategy of appointing ministers to act as commissioners of provinces.' These latter were short-term appointments. McNeill and MacQueen, *Atlas*, 382.

[32] Dawson, *Scotland Re-Formed*, 223.

[33] Dawson, *Scotland Re-Formed*, 223.

[34] McNeill and MacQueen, *Atlas*, 382.

as being a Presbyterian church.'[35] The General Assembly of 10 May 1586 tasked presbyteries to 'excommunicate the obstinate' and censure:

> heresy, papistry, apostasy, idolatry, witchcraft, consulters with witches, contempt of the word, not resorting to the word, continuance in blasphemy against God and his truth, perjury, incest, adultery, fornication, [common] drunkenness.[36]

Further, presbyteries were to 'to enquire diligently of naughty and ungodly persons, and travail to bring them into the way [again,] by admonition and the threatening of God's judgement, or by correction.'[37]

Kirk sessions

Although the General Assembly provided and strengthened links between parishes at a national level, it was the kirk session at the local level which had most direct and immediate influence on the lives of early modern Scots. The session, in its embryonic stage existed prior to the Scottish Reformation in the 1550s, within the emerging privy kirks. Reference is made to this, and to the practice of choosing members to sit on the session, by John Knox, who observed:

> And this our weak begynnyng God did so bless, that within few monethis the hartes of many war so strenthned, that we sought to have the face of a Church amanges us, and open crymes to be punished without respect of persone. And for that purpose, be commoun electioun, war eldaris appointed, to whome the hole brethren promissed obedience.[38]

Knox further noted the election process in *The Order of Election of Elders and Deacons*, which would provide a template for sessions after the Reformation in Scotland.[39] Evidence of session activity prior to reform can also be found in the St Andrews Session minutes which commence in 1559. While this could give the impression that the establishment of the session was swift after the Scottish

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[35] Graham, *Uses*, 163.

[36] *APGA 2*,786.

[37] *APGA 2*,786

[38] Knox, *Works 1*, 300.

[39] Knox, *Works 2*, 152. In the entry cited, Knox outlines the process for electing elders, the specific number of men nominated for his session (24) and the exact timing for the public reading of the list of nominees.

Reformation, this was not so in all cases. Gordon Donaldson notes that 'more than a generation thereafter elapsed before every parish had its session.'[40] As observed in the introduction of this work, areas such as the Highlands and Islands were much slower to establish and record the proceedings of kirk sessions.

Highlighting the Protestant understanding of the priesthood of all believers, sessions consisted of both clergy and elders, the latter being elected lay people nominated by the congregation. In this connection, G. D. Henderson points back to the origins of the session within the Genevan consistory courts, in which 'John Calvin deliberately gave the people a real share in the government of the Church.'[41] Given their role as spiritual leaders within the congregation, those chosen were required to be 'men of best knowledge in Gods word and cleanest life, men faithfull and of most honest conversation that can be found in the kirk.'[42] Any hint of scandalous behaviour threatened to undermine the authority of the session and diminish its power. The *FBD* therefore stated clearly that 'if any of these nominate be noted with publick infamie, he ought to be repelled.'[43]

If found blameless, successful candidates were required to ensure that they were present for the following Sunday morning diet of worship to be set apart after the sermon was preached and, in prayer, reminded by the minister of their duties to:

> Magnifie God, quho hes of his mercy callit yow to ruill within his Kirk: Be thankfull in your vocatioun: Schaw yourselfis zealous to promote verity: Feir not the faces of the wicked, bot rebuik thair wickitnes: Be mercifull to the puir, and support thame to the uttermost of your power; and so sall ye receave the benedictioun of God.[44]

The above duties demonstrate the functions of the kirk session and its overall place within the life of the local congregation and parish. If the primary task of the church

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[40] Gordon Donaldson, 'The Church Courts', in *An Introduction to Scottish Legal History*, ed. George C. H. Paton (Edinburgh: Stair Socitey, 1958), 372.

[41] G. D. Henderson, *The Scottish Ruling Elder* (London: James Clarke, 1935), 12.

[42] *FBD*, 174.

[43] *FBD*, 174. An entry in the Perth Kirk Session Records dated 12 October 1578 demonstrates this principle in practice. See *The Perth Kirk Session Books, 1577-1590*, ed. Margo Todd, 6 sixth ser., vol. 2 (Woodbridge: Scottish History Society; Boydell Press, 2012), 102.

[44] Knox, *Works 2*, 154.

was to 'magnifie God', those elected to the session and called 'to ruill within his Kirk' were to ensure that no obstacle was placed in the way of this aim: they were to promote truth, encourage piety, and have a disciplinary and pastoral role.[45]

While those within the parish were required to examine their lives, sessions undertook regular examinations of parishioners; this was not merely constrained to doctrinal matters prior to communion, but extended to an examination of their life and morality. As with the pre-1560 practice within the making of confession, the process of examination was also semi-catechetical, in that would-be communicants were tested on their knowledge of faith and doctrine – this, as part of the elders' duty to 'promote truth.' A demonstration of this is seen within a particularly detailed entry from the Perth Kirk Session minutes, dated 12 March 1582. It records the process of repentance for Bessie Glass who, amongst several other causes of scandal, had clearly failed her examination.[46]

Glass, who had been found ignorant 'of the principallis in religion' and deemed unworthy to be 'admittit to the supper of the Lord,' entered into what amounted to a time of penitential catechesis. The Session required:

> that sche be every day ane hour befoir nun heiring the examination publict in the kirk in the rudimenttis of religion and so to learn,

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[45] Central to the promotion of truth was the hearing of God's word; as such, elders were tasked with pursuing those absent from worship due to work or play. Pastoral aid given by sessions extended to very practical assistance seen in a snapshot from the Perth Kirk Session from 1584-85 during the plague. Session minutes record the collection and distribution of bread and butter by the deacons, while care of those that 'sustenit great peniuritie' was shown by distributions of bread, grain and coal. The session further appointed two bakers to oversee the production of bread made from grain donated to the town. The session, concerned that those afflicted with plague were liable 'to perische for hungir,' ensured that grain and bread was distributed to those in quarantine outside the town walls. In cases of suspected infection, where householders had not been moved to plague lodgings, the dwelling was put into lockdown and money set aside to provide support over several days. Upon death, provision of shrouds was made for the poor. See *Perth*, 292, 293, 296, 312, and 323. With the aim of keeping good order sessions became actively involved in dispute resolution and, as seen in two cases from the South Leith minutes from 1609, attended to the care of children and vulnerable adults. Deep pastoral sensitivity was demonstrated towards one parishioner, Estell Barclay, who was described as being 'trubled in spirit.' Initially, two elders were appointed to visit her and follow-up care was later organised. The session also arranged for the care of orphans, with two elders being appointed to look after their interests. See CH2/716/2 25r, and CH2/716/2,36r.

[46] Glass was also accused of being absent from church on a Sabbath day, and 'resorting to common tavurnis and filthie speiking.' *Perth*, 216.

> secundly to be every sabbothe day twyse in the day to heir the preitsching.

Along with the injunction to gain more understanding of the faith, she was to modify her behaviour, avoiding dancing in taverns and injudicious conversation. The minute noted that if she were found engaged in such activities she would underlie further discipline. [47] The enforced catechetical penance appears to have failed. Glass reappeared in the minutes of 11 September 1587 for 'oncomely language for singing of filthy and ungodly sangis,' and for behaviour deemed to be 'contrare to the dewetie of ane godly or weill reformit woman and member of this congregation.' The session, in its apparent exasperation, ordained that the act anent flyting be carried out against Glass with the threat of banishment upon relapse.[48]

It is clear from the above Perth record that the examination questions required more than an answer being repeated back in parrot-fashion; those being questioned were expected to demonstrate their understanding of what they were reciting. Todd notes that 'the minimum examination standard everywhere was the ability to repeat the creed, the Lord's Prayer and the ten commandments.'[49] While attendance at the examination process was compulsory, exceptions did occur, for example, in the case of illness. A Dundonald session record from 14 April 1605 refers to Katherine Wilson, who had been absent from Sunday worship. She was required to attend worship and 'the examinatioun and catecheising, vnless seiknes and inabilitie stay hir.'[50] Demonstrating that not all of those on the kirk session were in full possession

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[47] The full minute stated: 'being accusit first of ignorance of the principallis in religion and heirfoir thoucht on wordie to be admittit to the supper of the Lord, secundlie for not frequenting the kirk on the sabbothe day, thridly for resorting to common tavurnis and filthie speiking befoir all kyndis of men in the same and sa to be a publict sclander to the haill town. Heirfoir first it is ordenit that sche be every day ane hour befoir nun heiring the examiniation publict in the kirk in the rudimenttis of religion and so to learn, secundly to be every sabbothe day twyse in the day to heir the preitsching, thridly that sche never be fund in a common tavurn ather dansching or speking filthie and sclanderous talk under the paine of publict repentance on the seat for the first falt, secundly that gif sche be fund doand so to pay xx s to the poor, to be ane nour in the irnis on the crosshead on ane market day, and tobe on the publict stull of repentance and ay so oft as sche dois the lyk the paine to be dublit, and in themeantyme to find cation to fulfill the premisses.' *Perth*, 215-216.

[48] Glass was further mentioned in a minute of 21 October 1588 for reoffending, at which point she was required to undergo the punishment again, and to be judged to determine 'gif scho be ane woman wordy to dwell within sik ane reformit congregation.' *Perth*, 377–378, 402–403.

[49] Todd, *Culture*, 79. See also Section One, 39, n.64.

[50] *Dundonald Parish Records:The Session Book of Dundonald, 1602-1731* ed. Henry Paton (Edinburgh: Edinburgh Bute Society, 1936), 77.

of the rudiments of the faith, another Dundonald entry records the case of John Findlay, an elder. Findlay had been absent from both the examination and communion 'thir mony yeiris bygane' and did not know the Lord's Prayer, the Creed, or the Ten Commandments. He was required to attend catechetical classes and the exam and demonstrate he had learnt them.[51]

Kirk sessions, as part of a broader territorial system, assisted each other with the maintenance of discipline as situations arose. Should a person move from one parish to another, they were required to have with them, and present to the kirk session, a written testimonial concerning their good character.[52] Without it, job and marriage prospects, along with general social interaction, would be impeded. Having developed, or, more precisely, being in the process of developing such a comprehensive system nationally, the Kirk built upon and reformed the court structure prior to the Reformation.

The theoretical framework of Kirk discipline

A combination of several factors ensured that ecclesiastical discipline and its attendant rituals of reconciliation held a prominent place in early modern Scotland. Primarily, discipline was seen as one of the three marks, or signs, by which to judge the true church from the false. Following from this was the need for the godly community to behave in such a way that scandal was not brought upon it members or the God they worshipped. Along with the fear of scandal was a fear of impurity and contamination; the sin of one could taint the Lord's Supper and infect the entire community. Further, a providential view of God, alongside the belief that they were bound in a covenantal relationship with God, meant that the mechanisms of ecclesiastical discipline, as administered by consistory or kirk session, became a cornerstone of Reform policy.

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[51] *Dundonald*, 84.

[52] In a minute of the North Leith Session, dated 16 November 1609, William Whyte, a mariner, had been spending time in the parish, although no indication is given concerning the length of his stay. Appearing before the session Whyte was accused of staying within the parish bounds without having submitted 'a testimoniell of his honest lyff and religioun' to them. He agreed to provide a testimonial from the parish he had come from within 15 days or remove himself. CH2/621/1, 200.

In the drive to establish the holy commonwealth, the *Scots Confession*, recorded in the Acts of Parliament in the Reformation Parliament on 17 August 1560, declared three ways to distinguish the 'true' from the 'false' church. These were:

> first, the trew preaching of the Worde of God, into the quhilk God hes reuelit himselfe unto us ... Secundly, the right administration of the Sacraments of *Christ Jesus* ... Last, Ecclesiasticall discipline uprightlie ministred as Goddis Worde prescribes, whereby vice is repressed and vertew nurished. Wheresoever then thir former notes ar seene and of ony tyme continue ... there, without all doubt, is the trew Kirk of Christ: Who according unto his promise, is in the middis of them.[53]

Although deviating in number from John Calvin concerning these marks of the church, when it came to emphasising the importance of ecclesiastical discipline, the authors of the *FBD* followed him almost to the letter in the 'Seventh Head.' As:

> no Commonwealth can flourish or long indure without good lawes and sharpe execution of the same, so neither can the Kirk of God be brought to purity yet be retained in the same without the order of Ecclesiastical Discipline.[54]

Ensuring good order was paramount, and through the adoption of the previous parish system, all were subject to discipline.[55]

The Protestant criticisms concerning abuses found within the 'false' Church of Rome meant that it was incumbent upon reformers to represent by word and deed a model of 'true religion.' As Jane Dawson observes:

> if the Church was something which could be heard, touched, and seen by everyone, then its life on earth could also be assessed and judged by the rest of the world ... its conduct was under constant scrutiny.[56]

The model of 'true' religion was seen within order: the godly community was a harmonious community, reconciled and at peace with God and neighbour. Nations,

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[53] *The Scots Confession, 1560*, ed. G. D. Henderson, trans. James Bulloch, Documents of the Church of Scotland (Edinburgh: Saint Andrew Press, 1960), 39. In his much-quoted phrase, Calvin viewed discipline as the 'sinews' of the church, however, he did not rank it as a mark of the church, opting for only two: 'the Word of God purely preached and heard, and the sacraments administered according to Christ's institution.' Calvin, *Institutes 2*, 4.12.5, 1232–3; 4.1.9, 1023.

[54] See Calvin, *Institutes 2*, 4.12.1, 1239. See also *FBD*, 165; John Knox, *The Liturgy of John Knox: Received by the Church of Scotland in 1564* (Glasgow: Printed at the University Press, 1886), 34.

[55] As the *FBD* stated: 'all the estates within this Realm be subject, as well the Rulers ... and the Preachers themselves, as well as the poore within the Kirk.' *FBD*, 173.

[56] Dawson, 'Ane Perfyt Reformed Kyrk', 421.

communities, and households living at peace with one another were a visible representation of God's blessing; communities and families living in discord, and thus disorder, demonstrated a marked absence of God's favour and blessing. Underpinning this was a covenantal understanding framed within a providential view of God. Given the Kirk's identification of Scotland as the 'new' Israel, obedience to God's law brought peace and stability; disobedience brought punishment. Further, to live at peace was a badge of Protestant identity that brought with it a foretaste of the heavenly, peaceable, and well-ordered Kingdom of God.[57]

Familial and neighbourly harmony had the potential to provide valuable propaganda, clearly demonstrating the difference between 'true' and 'false.' In the battle to win over the hearts, minds, and souls of Scots from 'false' to 'true' religion the Kirk's disciplinary armoury was deployed in the push to pursue peace and avoid scandal. Living peaceably with one another brought with it ecclesiological and eschatological nuances, underpinning the Kirk's self-appointed roles as mediator and arbitrator when conflicts arose in the community. Using scripture as its basis of authority, the Kirk's interest in conflict resolution touched upon issues of religious identity, status and honour, as well as understandings of kinship, and of the nature of God.

The development of Scottish discipline and its performance

Among Continental reformers informing Scottish disciplinary thought and practice were Martin Bucer, John Lasco, and John Calvin. Bucer and Lasco had been colleagues in Cologne from 1544 to 1545, where they had assisted Archbishop von Wied in his efforts to reform the church there, and had subsequently moved to England in 1549 and 1550 respectively.[58] Bucer's book, *De Regno Christi*, contained the 'outlines of a series of fundamental laws designed to secure the

[57] Peace in the community was also an important pre-Reformation goal as demonstrated in the *Catechism*. See above, Section One, 21, n.6.

[58] Bucer accepted the post of Regius Professor of Divinty in Cambridge in 1549, while Lasco became pastor to the Strangers' Church in London in 1550. The London Strangers' Church was authorised and established by Edward VI of England in 1549 and was created to cater for the growing number of Protestant exiles from the Continent. See Michael S. Springer, *Restoring Christ's Church: John a Lasco and the Forma ac ratio* (Aldershot: Ashgate, 2007), 45–46.

observance of a Christian "discipline" in all areas of private and social life.' [59] The *Forma ac ratio*, written by Lasco, began as a guidebook for his congregation to 'instruct the faithful about belief and rites, and to defend their practices against the criticisms of local English clerics.'[60] Lasco's work became much broader in its scope; he perceived it to be 'a blueprint for ecclesiastical reform that could overcome confessional divisions and reunite Christ's universal Church.'[61] The influence of the work of Calvin was felt, both in theory through *The Institutes of the Christian Religion*, and in practice through Knox's lived experience in Geneva. Knox deemed Geneva to be:

> the maist perfyt schoole of Chryst that ever was in the erth since the dayis of the Apostillis. In other places, I confess Chryst to be trewlie preachit; but maneris and religioun so sinceirlie reformat, I have not yit sene in any uther place.[62]

On his return to Scotland, Knox would attempt to graft this 'perfyt' blueprint for reform, designed with a city-state in mind, to the larger and more geographically diverse Scottish context.

In line with a pre-Reformation understanding, the purpose of discipline fell into two main areas, both of which were concerned with purity. Discipline was the means by which the purity of the Lord's Supper was maintained and was also an aid to assist the purity of the faithful. Further, both were inextricably interconnected: unworthy participation compromised the purity of the sacrament. Bucer stated that:

> faithful ministers of Christ should not tolerate in the company of the Church, nor admit to the sacraments of Christ, those whom they cannot and should not acknowledge by their fruits, according to the precepts of the Lord, to be his true disciples and followers.[63]

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[59] *De Regno Christi* was completed by Bucer in 1551, the year of his death. It remained unpublished, however, until 1557, when it was printed in Basle. Martin Bucer and Philipp Melanchthon, *Melanchthon and Bucer*, ed. Wilhelm Pauck, The library of Christian classics, vol.19 (London: S.C.M. Press, 1969), 161.

[60] Springer, *Restoring*, 41. Although it was not used in the way Lasco envisaged due to the Marian persecution, as refugees settled on the Continent, they set up congregations based upon his model in Emden, Wesel, Frankfurt, Zurich and Geneva. John Knox was amongst the London refugees, briefly becoming minister to the English exiles in 1554.

[61] The book was published in 1555, delayed as a result of the accession of Mary Tudor in 1553 and the subsequent persecutions. Springer, *Restoring*, 42.

[62] Knox, *Works 4*, 240.

[63] Bucer, *De Regno*, 242.

Calvin, too, was concerned that 'the order of the Lord's Supper ... not be profaned by being administered indiscriminately.' The church was the visible representation of Christ's body in the world, and as such, to allow 'such foul and decaying members' to participate in the sacrament of the Lord's Supper brought disgrace 'upon its Head.' In the strongest of terms, Calvin claimed that the one who knowingly allowed those who were unworthy to participate was 'as guilty of sacrilege as if he had cast the Lord's body to the dogs.'[64]

Discipline, as a correction and a cure, was utilised by the church to control the faithful admittance to the sacrament.[65] It was the spiritual medicine that removed impurity, restored offenders to fullness of life, and healed the broken relationship with God and neighbour. Lasco noted that the use of discipline was 'to correct dangerous behaviour and restore the faithful to the path towards salvation.'[66] Discipline prevented greater evil: Bucer stated 'if only one little crack is open for Satan to creep into the Church with Christian discipline relaxed, in the just judgement of God a great many evils are permitted to ensue.'[67] Used in the battle to fight the disease of sin, which put the entire community at risk of infection, discipline preserved the purity of the faithful so 'that the good be not corrupted by the constant company of the wicked.'[68] As such, while purifying and preserving the individual believer, it also helped to cure the 'infirmity of the entire church.'[69] As a tool to assist godly living, discipline acted as both a restraint and an encouragement. Calvin observed:

> discipline is like a bridle to restrain and tame those who rage against the doctrine of Christ; or like a spur to arouse those of little inclination; and also sometimes like a father's rod to chastise mildly and with the gentleness of Christ's Spirit those who have more seriously lapsed.[70]

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[64] Calvin, *Institutes 2*, 4.12.5, 1232.

[65] The understanding that discipline acted as both a correction and cure demonstrated a theoretical continuity with the pre-Reformation church. See Section One, 22-23.

[66] Springer, *Restoring*, 97.

[67] Bucer, *De Regno*, 246.

[68] Calvin, *Institutes 2*, 4.12.5, 1232–1233.

[69] Springer, *Restoring*, 99.

[70] Calvin, *Institutes 2*, 4.12.1, 1230.

Discipline provided a means through which 'those overcome by shame for their baseness' were enabled to begin the process of repentance.[71] Overall, discipline both enabled and regulated access to God, to the people of God, and to the sacraments; it functioned as a means of reconciliation, restoring relationships both divine and neighbourly; and it acted as a correction and a cure to assist and encourage godly living and ensure an ordered, harmonious community.

The promotion of piety, prevention of disorder, and the non-profanation of the Lord's Supper were all reflected within the Scottish context and clearly stated in the *BCO*:

> first, That men of evell conversation be not nombred amongest God's children, to their Father's reproach, as if the Church of God were a sanctuary for naughty and vile persons. The second respect is that the good be not infected with accompanying the evil ... The third cause is, that a man thus corrected or excommunicated might be ashamed of his fault, and so through repentance come to amendment, the which thing the Apostle calleth, delivering to Satan, that his soul may be saved in the day of the Lord, meaning that he might be punished with excommunication, to the intent his soul should not perish for ever.[72]

In a consideration of impiety, Edinburgh preacher Robert Bruce asked his congregation to contemplate the following rhetorical question:

> For gif God had no means to restrain the impiety that in the heart of man, but every man, as his heart carried him, bursted forth in every impiety, how would it be possible that a society could be keeped; how would it be possible that a kirk could be gathered; how would it be possible that any man could have company or conversation among men?

Helpfully providing an answer to his own question, Bruce claimed that there were two ways in which God restrained 'the seeds of impiety, that lieth lurking and hid in the heart of every man' in order 'that ane society might be keeped, that out of this society a kirk might be gathered.' The first way to ensure order was maintained, according to Bruce, was 'by discipline, by severe punishment, and good execution of laws.' Bruce warned that discipline, in and of itself, however, did not have the power to take 'away the tyranny of sin; it taketh not away the absolute command and

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[71] Calvin, *Institutes 2*, 4.12.5, 1232.

[72] *BCO*, 28.

sovereignty quhilk sin hath, it holdeth wicked men in awe.' The second way by which God restrained impiety was through the workings of the Holy Spirit upon the human heart. The two ways were thus a combination of the external and internal, echoing the words of Jeremiah 31:33, in which the ideal was for God's people to have the law written upon their hearts, without reliance on external laws.[73]

The promotion of piety and prevention of disorder extended to the administration of the sacraments: discipline was essential to avoid the profanation of the Lord's Supper.[74] As a meal which symbolised reconciliation, allowing those who were neither in communion with God, or their neighbour, to partake of the elements undermined the purpose of the ritual. Further, it had the potential to evoke God's wrath. As a means to avoid both scandal and the wrath of God, the Kirk used a process of examination to determine who was, or was not, worthy to participate. The *Scots Confession* noted that:

> Sik as eite and drink at that haly Table without faith, or being at dissention and division with their brethren, do eat unworthelie: and therefore it is, that in our Kirk our Ministers tak publick and particular examination, of the knawledge and conversation of sik as are to be admitted to the Table of the Lord Jesus.[75]

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[73] Robert Bruce, *Sermons by the Rev. Robert Bruce*, ed. William Cunningham (Edinburgh: Wodrow Society, 1843), 351. The sermon, preached on 9 November 1589, featured in a service in which Francis Stewart, the troublesome Earl of Bothwell, was making his public repentance for treason and murder. Stewart's repentance is discussed further below.

[74] During a superintendent's visitation of Falkirk, on 11 April 1587, the minister was admonished for his infrequency in dispensing communion; having been minister for thirteen years, he had only held communion three times. Using as his defence a fear of profaning the sabbath, he confessed 'it wes swa in deid and that to the gret greif of his conscience,' before pointing a finger accusingly at the godless behaviour of those in his care. He claimed his actions were not his fault but rather the fault 'of the pepil, quha nether wald gif thair presenc to heir the Word upone the Sabbot nor keipe the dyetis appointit for examinatioun except a verie few, and gif he wald have ministrat unto thame the misrealit, godles multitud wald have thrust in thame selfis violently to the dishonour off God, prophanyng of the sacrament and winding the consceince of the godlie.' Tellingly, 'convenit nane of the congregatione' apart from the minister, the reader, a couple of the local lairds, and three of the town bailies. *Visitation of the Diocese of Dunblane and other churches 1586-1589*, ed. James Kirk, Scottish Record Society / New series 11 (Edinburgh: Scottish Record Society, 1984), 61.

[75] *Scots Confession*, 45.

Acting as a lifeline to preserve and protect the community from the profanation of the Lord's Supper, the contamination of sin, and the force of God's wrath were the spiritual leaders of the godly community – the men of the kirk session.[76]

The Dominical blueprint: the stages of discipline

The stages of the disciplinary process were based upon the instructions given by Christ in Matthew 18:15-18. The stages moved in a three-step progression from private rebuke to public, and culminated in exclusion if the offender remained unrepentant.[77] The process developed by Lasco, based on the text, would be

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[76] On 20 August 1564 the Canongate minutes record the division of the parish into 'quarters.' *The Buik of the Kirk of the Canagait, 1564-1567*, ed. Alma B. Calderwood, (Edinburgh: Scottish Record Society, 1961), 5. The term 'quarters' can, however, be slightly misleading as in the case of Burntisland Parish Session, which divided the parish into ten quarters – see CH2/523/1/13. Within the period of this study, and especially in the initial decades after Reformation in Scotland, a major difficulty impeding the establishment and maintaining of discipline was the shortage of available ministers. Not all parishes had ministers, and of those without ministers, not all had access to a reader. St Andrews had, for the most part, a diligent and well-resourced kirk session due to its location – although, in the plague years of the mid-1580s the session was hard-pressed to maintain basic discipline. Perth, similarly, appeared to have a relatively diligent session who met regularly and who oversaw the disciplining of a variety of offences. Smaller, more rural parishes, especially those without a minister, appear to have struggled to establish and maintain discipline. Under the supervision of James Anderson, regional visitations within the 'diocese' of Dunblane unearthed several disciplinary areas of difficulty for example. The minister of Falkirk, as observed above in n.74, had dispensed communion three times in a total of thirteen years, blaming this upon the godlessness of his parishioners. That the parishioners were apparently quite so unruly highlights either the incompetence of the minister, or the lack of diligence or enthusiasm to enforce some semblance of discipline by the session of Falkirk – or possibly a combination of the two. Visitations in 1586, to the Port of Menteith and Fowlis Wester, were equally unhappy affairs. The record of the visit to Port of Menteith opined that 'becaus thai heve not a pastor and also thair kirk algether decayit, thair is na eldaris, deacones nor forme off discplein in this congregatione quhairthrow sin and vyce gretlie abundis amangis thame.' Adopting an apophatic approach to discipline, the congregation of Fowlis Wester did not bother to turn up for the visitation apart from the Laird of Gortie and William Murray of Letterbennathy who observed that 'the wether indeed wes verie tempestious.' In the ensuing conversation the two 'lamentit the miserable estaite off that kirk and congregatione, quhilk is becum almest godles and wythout all cair off religione, and that because thai heve haid nether minister nor redar to keipe thame in ony exerceis off religione thir aucht yeres.' Not altogether uncoincidentally, the previous minister had moved from the parish at about the time the rot of sin seemed to have set in. Meanwhile, the parish of Clackmannan appeared to demonstrate a rather relaxed approach to discipline. The visitation record observed that the 'eldaris and deacones ar men godlie and honest, bot this qhyll bygane fund to be sumquaht slaw in convening wyth the minister fra exerceis off disciplein.' See *Visitation*, 11, 43, 55.

[77] 'If another member of the church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen to them, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax-collector. Truly I tell you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven.'

reproduced almost exactly in the Genevan *Form of Prayers*, in 1556, and taken to Scotland by Knox and Christopher Goodman. This would be subsequently authorised for use by the General Assembly in 1562.

In the church prior to 1560, all sins came under the spiritual jurisdiction of the priest; by contrast, Calvin emphasised the jurisdiction found within the priesthood of all believers. Utilising the Matthean text within a disciplinary framework, Calvin noted that the 'first foundation of discipline is to provide for private admonition,' and that it was a neighbourly duty to 'study to admonish his brother when the case requires.' The first stage in the reconciliation process involved a quiet word with the one who had caused offence, resulting in private settlement of differences; this was the ideal. Should this initial step fail due to the offender's refusal to reconcile, however, the process moved to a second, still relatively private, stage. The offended party was to visit the offending party once again, taking along a couple of witnesses such as an elder or a deacon. If both parties reconciled, the matter would come to an end. If resolution did not come about, the process moved to a third and semi-public stage, the church court.

Both Lasco and Calvin had set up such courts: the *Kirchenrat* in Lasco's case and the consistory in Geneva. These, in turn, informed the creation of the Scottish kirk session. In the role of mediator, *Kirchenrat*, consistory, and session were concerned with a diversity of offences that had at their heart relational conflict. Offences ranged from the domestic context such as marital infidelity or spousal violence to the wider communal scale – verbal offences where neighbourly gossip and slander had been aired publicly, or where disputes had moved into physical violence. Although this stage was a more formal judicial process, again, the driving motivation was to effect reconciliation and to restore good order. In the event of an offender refusing to submit to the admonishment of the church court, they would 'as a despiser of the Church...be debarred from the society of believers.'[78]

[78] Calvin, *Institutes 2*, 4.12.2, 1230.

Within Scotland, the three-step progression expanded to a six-stage process, again moving from the private, through the semi-public, to the public sphere and culminating in excommunication upon refusal to submit to discipline. Aimed at assisting ministers and creating uniformity of practice, the *FBD*, and later, the *Order of Excommunication*, set out these six stages, with some minor adaptations in the later version.[79] The format presented in the *Order of Excommunication*, published in 1569, laid out the six stage disciplinary process very clearly.[80] Following the Matthean guideline, the first stage in the process was private admonition. If the offender confessed and repented, no further action would be taken. The second stage also mirrored Calvin's process: it continued to be a discreet matter which now included two or three faithful witnesses from the church accompanying the offended party on a second visit to the one who had caused offence. Once again, opportunity was given to the offender to make an end to the matter by confessing their fault and apologising, and further promising that they would modify their behaviour.

In the case of non-compliance, the matter, though still private, moved to the third, semi-private stage and brought in the minister and elders of the kirk session. The offender was required to 'compeir', or appear, before both the session and the offended party to provide an explanation for their impenitence, and given the opportunity to repent. Acting as a mediator, the session provided a place where both parties could tell their side of the story, and further, a jury to judge if the complaint was genuine. Subject to the parties agreeing to reconcile, at this point, the theatre of reconciliation was played out behind closed doors for the eyes of the session only – the minister, deacons, and elders of the church. Gestures of reconciliation, such as kneeling and the shaking of hands, were employed along with recognised speech formulas which involved confession, asking forgiveness, and, in specific cases,

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[79] In the *FBD*, stage one was private resolution between the two parties, while stage two involved the minister privately admonishing the offender – whereas the *Excommunication* refers this to the remit of two or three faithful witnesses. Stage three brought the matter before the kirk session. If, at this point, the matter was a private offence and resolution was reached, reconciliation rituals were conducted privately. If the matter was a public offence, as listed above, repentance was to be made publicly. The further stages of the process moved increasingly into the public gaze, as will be noted. The *FBD* gave as examples of 'public' offences 'fornication, drunkenness, fighting, and common swearing or execration.' See *FBD*, 168.

[80] Knox, *Excommunication*, 454.

restoration of the offended party's reputation.[81] At this point, if the offender was still unrepentant, the remaining stages moved by degrees into the public arena.

The public nature of the fourth stage involved the naming of the offence from the pulpit by the minister after the sermon during Sunday worship. The offender was given the full week to consider their position and come before the session. If the offender submitted, the minister would make an announcement from the pulpit stating the 'repentance and submissioun of that brother, that befoir appeared stubborne and incorrigible', alternatively the process would inevitably creep to the fifth stage.[82] The following Sunday, instead of an announcement of joy for the penitent brother or sister, the minister would name both the offence and the offender. From this point onward, any expressions of repentance and subsequent rituals of reconciliation were performed in front of the faithful during worship. A further week's grace was given to the offender for reflection and possible repentance. Upon a further demonstration of impenitence, the disciplinary process moved to the final stage: the offender was to be 'charged publiklie to satisfie the Church for his offence and contempt, under the pain of excommunication.'[83] Thereafter, the various stages of excommunication were set in motion.[84] Within the context of the drama of discipline, the lengthy process served to demonstrate the obstinate nature of the offender the longer the performance was played out; conversely, the drama was designed to emphasise God's mercy.

Making one's repentance: contrition, confession, satisfaction

The process of effecting reconciliation with God had within it three stages and demonstrated a continuity of thought reaching back to the early church. The performance of contrition, confession, and satisfaction still provided the pathway to

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[81] See Chapter Four of this section. Concerning the use of kneeling: the gesture itself was not particularly contentious when used within penance or for prayer. Rather, difficulties arose when kneeling was suggested for use during the Lord's Supper, as in the Five Articles of Perth; it was too closely associated with the the Mass. See William McMillan, *The Worship of the Scottish Reformed Church, 1550-1638* (London: James Clarke, 1931), 151ff.

[82] Knox, *Excommunication*, 454.

[83] Knox, *Excommunication*, 454.

[84] These stages will be discussed in Section Four.

absolution. Only when a penitent had successfully negotiated all three could reconciliation to God, and to the community of God's people, be effected. Upon reconciliation, the penitent was also enabled once more to access the benefits that came with membership in the community of the faithful. In order to achieve reconciliation, repentance needed to be genuine and was achieved only when an offender was moved by the sorrow of contrition to reject their former behaviour.

Contrition

An ability to cry on cue would have been a helpful skill in the demonstration of contrition. In continuity with the church prior to 1560, the *FBD* expected 'signes of unfaigned repentance' to be present in the penitent.[85] Without both contrition and understanding of the gravity of their offence, it was thought to be 'but ane mocking to present such to publik repentance, as neither understand what sin is, what repentance is, what grace is, nor be whom God's favour and mercie is purchased.'[86] To aid the process, during the examination of an offender, elders looking for signs of repentance would ask to see 'what feire and terrour they have of God's judgmentis, what hatred of sin, and dolour for the same, and what sense and feiling they have of God's mercies.'[87] The *Scots Confession* referred to a penitent being so moved with horror of their offence that they would 'groan in God's presence for deliverance from this bondage of corruption.' Tears, too, were mentioned: the truly penitent offender would 'sob and mourn when they perceive themselves tempted to iniquity.'[88]

This sense of grief had been alluded to by Knox several years prior to the writing of the *Confession*. In an exposition on Psalm 6, Knox discussed 'unfeyned repentaunce', noting that without it 'no man doth attayne Godis mercie ... and that without mercie no man can come to joye.' True repentance, he observed 'conteyneth in it, a knowlege of synne, a dolour for it, and a hatred of it, together with hope of

[85] See Section One, 23, 35-37.

[86] Knox, *Excommunication*, 455.

[87] Knox, *Excommunication*, 455.

[88] *Scots Confession*, 34.

mercie.'[89] Troubles in life were sent by God to enable offenders to come to their senses so that 'in drynking wherof, thei come to such knowlege as thei never had before.' Brought to a deeper understanding of the justice of God, offenders discovered that God 'maie suffre no synne unpunished.' Moved by remorse, an offender discovered the limitations of their powers and was 'compelled in his hert to acknowlege, that another Mediatour must ther be betwixte Godis justice and mankynde.'[90] As with the (later) *FBD*, Knox observed that the genuine penitent would be moved to tears, in which they would 'sobbeth and groneth for an end of payne; why also he blasphemeth not God, but crieth for his helpe, even in the myddes of his anguishe.'[91]

Robert Bruce, in his sermon referred to above, outlined the several stages in the process leading to contrition. Bruce noted the offender's sadness for having committed an offence, which in turn produced a 'godly dolour.' This in turn brought:

> forth in that person a hatred of that quhilk God hateth; it maketh that person to agree with God, in that he hateth the thing quhilk God hateth, and loveth the thing quhilk he loveth.

The power of this detestation of sin enabled the offender to turn their face from sin, and incline them to God. Fleeing from the grip of sin brought 'forth a care and study how to please God', and brought with it the desire to learn how to 'hold fast' to God and enjoy God's favour. The following stage brought a deepening of the love of and

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[89] Knox, *Works 3*, 125–126. The exposition is contained in a letter written to Knox's mother-in-law, Elizabeth Bowes, in February 1554 on the eve of his flight from Marian persecution to the Continent. Concerning Knox's dealings with Bowes, Jane Dawson highlights Knox's pastoral side, observing a 'reservoir of patience not normally evident in his public life. With compassion and tenderness he guided Mrs Bowes's tentative steps along her doubt-ridden inner journey of faith.' See Jane E. A. Dawson, 'Knox, John (*c.*1514–1572)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan. 2008 [http://www.oxforddnb.com/view/article/15781, accessed 10 February 2012].

[90] Knox, *Works 3*, 125–126.

[91] Knox, *Works 3*, 126–127. In a later letter to his friend Christopher Goodman, Knox refers to the signs of repentance within a discussion concerning the marriage of 'that wicked woman,' Mary Queen of Scots regarding her claims of penitence. He stated 'I demand the signes therof,' adding 'that where god touches the heart with unfeaned repentance it shewes itself visibly to men, principally when the crimes ar so notorious.' See Jane Dawson and Lionel K. J. Glassey, 'Some Unpublished Letters from John Knox to Christopher Goodman', *Scottish Historical Review* 84, no. 2 (October 2005): 198.

for God, which enabled the next stage in the process to occur, namely 'vivification' or confession.[92]

If suitable signs of contrition were demonstrated, kirk sessions could be moved to reduce the penalty for an offence as can be seen in the following examples. In December 1607, Walter Duncan and his wife Janet Cunningham faced the Kinghorn kirk session charged with pre-nuptial fornication. Required by the session to repent publicly, the penalty appears to have been curtailed substantially due to a convincing display of remorse: the session noted 'the speciall ressone being that thay schew signes of repentance.' The couple, while still obliged to make a public demonstration of their repentance, were instructed to 'compeir beffoire the pulpeit and satissfie' for their offence, and pay a fine of 4s. Two entries above this record, the unfortunate, and less obviously contrite John Mitchell was required to 'enter to the pyllar this day 8 dayis and yt to sit thraie severall sabbothis & also to pay the penaltie of 46 s 8d.'[93]

Demonstrating a lack of repentance could lead to the final full censure of the session, excommunication. On 28 July 1605, the kirk session of St Nicholas Aberdeen were confronted with Gilbert Keith, a defiantly unrepentant offender accused of fornication. The session minute records that Keith:

> gawe no signes of repentance bot ra[th]er reiosit in the sin in saying he wes glaid that he wes accusit of a fault [com]mittit be him tua zeire since and gif yay had speirit at him some he wald hawe tauld thame of fyftie ma faultis.

Keith also attempted to determine what he would and would not do: he refused to pay a fine, and further refused to bare his head as a gesture of humility – he 'wald not hawe his heid cow[er]it bot according to his accustumed form.' Keith's visible and verbal tour-de-force of non-repentance was duly noted by the session, who 'seing no signis of repentaunce unto Him bot plaine contempt refusing wilfullie to satisfie' moved to the first stages of excommunication. In a very brief, damp squib of an

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[92] Bruce, *Sermons*, 353.

[93] CH2/472/1, 18. It cannot be coincidental that between the entries cited there is a reminder to the session to draw up an act concerning punishment for fornicators in the parish. This would both serve as a warning of the penalty and ensure consistency concerning punishment.

entry dated 29 September of the same year, the minute notes Keith's eventual submission and satisfaction.[94]

Confession

The contrite penitent, with heart now turned towards God, would take the next step on the pathway to absolution and reconciliation, confession. Bruce observed that the essential element of confession was that it glorified God; the penitent was moved to declare:

> the kindness of God done to him ... he will confess it before the world, and proclaim the riches of the mercy of God, that they may glorify a common God with him.

Furthermore, the power of the spoken confession was a major weapon in spiritual warfare; Bruce continued his assessment by noting that 'there is nothing in the earth that the devil travaileth more to stay than this confession, in respect he seeth God so far glorified by it.'[95] In what was a marked change from practice before 1560, confession became a public affair – dependent upon where an offender had reached in the disciplinary stages before agreeing to repent. This reflected the understanding of the godly community as the priesthood of all believers; in order to absolve, the offence had to be named in the hearing of the gathered priesthood.

The *FBD*, within its stages of discipline leading to potential excommunication, notes that the kirk session would choose a day 'when the whole kirk convenes together', on which the penitent offender would be required 'in presens of all ... [to] testifie his repentance, which before he professed.' Having assured the congregation of his or her contrition, by means of visible signs as noted above, the penitent would give a full confession of the offence. As part of the confessional process, the minister would question the penitent, ensuring all offences were confessed, but also, to ascertain the penitent's knowledge of the faith; in this, confession contained within it catechetical components.[96] Having made their confession, the penitent would then

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[94] CH2/448/2 , 151, 161.

[95] Bruce, *Sermons*, 353.

[96] This further demonstrated continuity with previous confessional practice. See Section One, 39.

earnestly beseech the congregation 'to pray to God with him for mercy, and to accept him in their societie notwithstanding the former offence.'[97] Confession signified the movement from one spiritual realm to another: from being in the thrall of the devil, to being in communion with God. Within the earthly realm, the representation of the spiritual movement was physically demonstrated. After confession had been made, the minister would address the congregation, asking if they agreed that the penitent had fulfilled their obligations.[98] Upon agreement, the minister and appointed elders would embrace the penitent, and extend the right hand of fellowship that signified their welcome back into the community of the godly.

Satisfaction

As the three-stage process moved from exclusion to embrace, the physicality of the process, as evidenced within the process of making one's satisfaction, was demonstrated through space and movement. The visible manifestation of performed penance provided performers and watching audience/ congregation with the appropriate and 'distinctive complex cultural configuration of proper ways of conducting oneself,' by means of costume, props, choreography and gesture, scripted speeches or speech formulas, and the use of space and distinctive furniture.[99] Public satisfaction could be made outside the confines of the church building, at the market cross – that other space most frequented by the inhabitants of a town or village – and outside the kirk door.[100] This latter, highly symbolic liminal place was where penitents making their satisfaction lined up prior to the commencement of worship, with some penitents wearing the jougs, an iron collar fixed to the kirk wall.[101] The excluded offenders, standing outside the kirk door, would be passed by the incoming congregation who would enter through the door for worship.

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[97] *FBD*, 168.

[98] This final confession would be heard after the agreed period of satisfaction had been completed. An initial confession would have set the overall repentance process into motion in the first instance.

[99] Erving Goffman, *The Presentation of Self in Everyday Life*, (London: Penguin, 1990), 81.

[100] The significance and symbolism of the market cross will be further discussed in the following chapter.

[101] Photographs of various equipment utilised in the drama of discipline are found in Appendix 3, 246-247. All pictures are the author's own.

Given their unreconciled state, excluded offenders were disallowed from participating in worship during the time of prayers – again, symbolising that they were in a state of being spiritually cut off from God.[102] Instead, the elders would convey the penitents into the church to stand before the pulpit by the seat of repentance just before the preaching of the Word. After the sermon, if penitents had not finished the period prescribed for their satisfaction, the elders would then lead them back outside the church while the final prayer was said.[103] Making satisfaction could also involve being conveyed about the town in a cart, designed to ensure maximum public exposure. In the case of one unfortunate couple, George Makchanse and Elspet Cudbert, all but one of the above were prescribed as part of a very public ritual by the Perth Kirk Session in October 1585.

The couple had been caught 'in nakid bed togidder in filthy fornication' during the time of a publicly called fast serving both as a pre-communion ritual and as a means to deliver the town of the plague.[104] They were to be carted 'bakwart throuche the town from the said Elspet house' where they had been found. The carting itself was timed to coincide with the Saturday market day, between 10am and midday. The requirement that they face backwards was deliberately intended to symbolise how their offence had 'turned upside-down ... the moral standards of the community.'[105] As part of their costume, they wore paper hats on which would have been written the offence. After their insalubrious tour of the town, the couple were exposed to further public shame by being locked in the irons – or jougs – at the market cross for three hours, after which they were warded overnight. The next morning, the repentance ritual continued, and again, was aimed at giving the couple maximum public exposure.

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[102] This will be addressed in Section Four.

[103] Several session entries from Burntisland Parish, beginning 19 January 1606, record the penance of Jonat Murray who had committed fornication. Initially refusing to underlie discipline, she was faced with the prospect of excommunication. By 25 May 1606, and after the intervention of presbytery, she had submitted. On 1 June, presbytery determined that as part of her repentance she was to stand at the kirk door, enter for the sermon, and then leave before the last prayer. CH2/523/55.

[104] *Perth*, 325.

[105] *Perth*, 325, n.116.

After a night spent in the rat-infested and stinking kirk tower, the couple were then conveyed from the tower to the 'publict seat of repentance' during worship.[106] Having made the significant transition from outside to inside the kirk, the seat was to be the location from which they would 'confes thair offence and ask god and the congr[egation] forgifnes for the sclander thay gaif and evil exampil to utheris.'[107] Motivated by the theme of providing an example, the session further decreed that the punishment given to Makchanse and Cudbert would itself be an example, and decreed the performance to be the usual ritual for 'all sic personis quhome the watch apphrehend in fornication in tym of the communion humiliation or ony uther tyme in tyme cuming that vyce may [be] rooted out.'[108]

Concerning the use of space for the performance of reconciliation rituals, the 'cleansing' of church interiors from what had, ostensibly, been the cluttered trappings of idolatry ensured that the drama of the penitential play could be clearly seen by the congregation. Specially constructed furniture, the stool or seat of repentance, was created and placed in front of the pulpit in full view of the watching congregation. These seats appeared to be used less for sitting, and more for standing so that the congregation's view of the penitent, or penitents, was further enhanced. St Andrews parish church had both a bench for several offenders and individual stools. Evidence can be found in session records that indicate that some parishes had multi-level stools: with height determining severity of offence.[109]

Prescribed costumes for penitential performance also indicated a hierarchy regarding severity of offence. At their most lenient, sessions could request the penitent to appear in their own clothes to make their satisfaction. The other alternatives were the wearing of either plain linen or sackcloth. Props were also occasionally employed in penitential rituals – either the instruments used in causing the offence, or symbolic representations, such as a wooden knife that had been dipped in blood,

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[106] Perth had several warding options: the upper chamber of the tollbooth, the Spey tower, and the kirk tower. The latter was where those who had committed sexual offences were placed. See *Perth*, 38.

[107] *Perth*, 325.

[108] *Perth*, 325.

[109] For an extended discussion on heights of repentance stools see further Todd, *Culture*, 130-138.

in the case of Marjory Brison of Canongate Kirk, or in the case of verbal offences, pointing to or holding the tongue.[110]

Speech formulas were also utilised within the drama, asking for forgiveness, restoring the character of an offended party, and beseeching the congregation to pray for God's mercy upon the penitent. The required time spent in the pursuit of making one's satisfaction depended upon several variable factors – the offence, the level of repentance displayed, and the vagaries of the particular kirk session. Suitably contrite offenders might be given the bare minimum of one Sunday, while others could spend several months engaged in a long process of making satisfaction. Having performed the required period of satisfaction, the penitent would make their public confession as described above, and await the decree of the godly community.

Absolution

One fundamental shift was in relation to the performance of absolution. Unlike the sacrament of penance, the power to absolve, which had been held by the sacerdotal priesthood, was now the province of the priesthood of all believers.[111] Bucer deemed that, as impurity could infect the entire community, it was entirely appropriate that the community of the godly expelled all those who could cause contamination. Bucer, noting the divine imperative regarding the holiness of the people of God, stated that:

> the Lord has commanded his people quite strictly that they are to drive criminal and incorrigible men from their midst, and to burn them with fire, and thus to wipe out their offensiveness as completely as possible.[112]

The therapeutic context of discipline was also reflected by Bucer; as the faithful expelled, so too, they could restore by dispensing:

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[110] The performance of Brison's repentance is described further below, 123.

[111] See Section One, 67ff.

[112] Bucer, *De Regno*, 181.

> heavenly remedies against sins, to bind those who have fallen into more serious sins to the doing of penance, and to loose from that bond those who have shown repentance by its worthy fruits.[113]

Justifying exclusion from the Lord's Supper, and the community itself, Calvin insisted that 'the church claims for itself nothing unreasonable but practices the jurisdiction conferred upon it by the Lord.'[114] Readmittance to the godly community, and the benefits found within in it, could only come by virtue of the offender's repentance. At this end-point in the drama of discipline, offenders, having demonstrated the tears of genuine repentance, submitted themselves to church discipline, and if found to have satisfied, were absolved by the priesthood of all believers at the request of the minister, who would ask if they were convinced that the offender had truly satisfied. Upon their agreement, the now-forgiven penitent would receive signs of their reception back into the community: the shaking of hands by the minister and elders, and a brotherly kiss. Movement also provided visual clues in the drama. The elders would escort the now-forgiven offender away from the place of repentance and back into the congregation.

Throughout the time period studied both the judicial and theoretical framework within which ecclesiastical discipline was maintained, and in which the theatre of reconciliations was performed, was in a state of flux. Difficulties encountered in establishing a comprehensive system of discipline included a lack of suitably trained men for ministry, and a lack of funding. In the latter half of this period, tensions concerning church polity created difficulties; the King increasingly moved towards favouring an episcopal church structure. Regardless of these initial difficulties however, the new Kirk created, or rather re-formed, the stage upon which rituals of reconciliation were performed within the theatre of forgiveness. The decluttering of the physical ritual performance space and the streamlining of ritual options available to penitents, along with an emphasis upon the involvement within the reconciliation process of the gathered community, effectively placed reconciliation centre-stage. Embracing this theme of reconciliation, the following chapters focus upon rituals employed by the kirk in dispute mediation. Embracing this theme of reconciliation, and in order to demonstrate the broad spectrum of church involvement in dispute

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[113] Bucer, *De Regno*, 245.

[114] Calvin, *Institutes 2*, 4.12.4, 1232.

settlement within society, the following chapters move from verbal dispute through assault and, finally, to bloodfeud.

Chapter Four/ 'A certain poisoned sweetness': the use of reconciling rituals within verbal disputes[115]

> if it be well guided there is nothing better, nothing more pleasant: but if it be suffered to run at randon [sic], nothing is more perillous. The tongue God wot is a little member of slender substa[n]ce, notwithstanding in it is conteined fire & water, souerein salue & deadly poiso[n], destructio[n] & saluatio[n]: for in this world cannot be fou[n]d a greater mischief the[n] a venimous tung, nor a more better thing then friendly wordes agreeable to the same.[116]

In Scotland, on either side of the year 1560, both sacred and secular authorities were deeply afraid of wild or uncontrolled speech. The tongue was something which needed to be controlled; it was a dangerous instrument, to be feared and to be tamed. As in James 3:5-8, the tongue was a fire that could wreak havoc: words could maim and mutilate. Careless, or godless, talk could ruin reputations, fracture relationships, and in the case of false accusations cost lives.[117]

In his work *A Treatise of the Good and Evell Tounge*, published in London c. 1592, Jean de Marconville warned that the power of the tongue was such that it could overturn strongly defended cities and defame worthy persons, that it had 'taken asunder a number of princely Palaces, and hath incensed to ciuill sedition many goodly countries.' Those unfortunate to hear such language spilling from 'these double tongues, or rather, to these two edged swordes' were cautioned that they would 'neuer rest in quietnes, shall neuer be at peace with any of his friends.' He further observed that the force of the tongue was more powerful than a whip, remarking that:

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[115] John Calvin, discussing sins of the tongue, remarked that 'we delight in a certain poisoned sweetness experienced in ferreting out and in disclosing the evils of others' in Calvin, *Institutes 1*, 2. 8. 48, 412.

[116] Jean de Marconville, *A treatise of the good and euell tounge With the vnstablenesse of the same, and also with the abuses thereof. With a discourse of the punishment which the Lord hath shewed on al those which through swearing and periuring themselues, haue broken Gods commandements: as by this treatise most plainely appeareth* (London: J. Wolfe, 1592), [images 7, 8] in *Early English Books Online*, date accessed 23/03/2012. http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003 &res_id=xri:eebo&rft_id=xri:eebo:citation:99854887. Jean de Marconville's work expressed a widespread view of the tongue across Europe, which prior to the European Reformations could be seen within the pages of manuals for confessors. See below 106. An excellent discussion on the emergence and growth of confessional manuals is found in Tentler, *Sin and Confession*, 30–53.

[117] As in the case of an accusation of witchcraft, for example.

> The lash of the whip woundeth the flesh, but the stroke of the tongue breaketh the bone: the whip only perscuteth our carrion corpses, but the glike of a pernicious tongue doth eclipse our bright renowne, and leaues a spot of blacke defame tou our posteritie, which is more dangerous then any hurt we can receiue in our body.[118]

A concern with the harnessing of the tongue was by no means a new thing for the church. From its beginnings, the church was very much aware of the potential of uncontrolled or deviant speech to destroy the harmony of the community of the godly.

Godly speech played a vital part within the context of Christian initiation and identity; a confession of faith uttered by the lips led to salvation.[119] Tied in with this confession of faith was a claim to belong to Christ's body, and with it, identification of the church as God's holy people. Here, in a marriage of both word and action, the confessional claim of identity came with a code of conduct. As noted in Section One, the reforms initiated by the Fourth Lateran Council aimed at strengthening unity and consolidating Christian identity, and in doing so 'set forth what it claimed to be universally valid norms of conduct, it demarcated what was deviant, and it labored to awaken revulsion against the deviant.'[120] As part of the strategy employed by the church to eradicate deviant behaviours, speech itself played an integral part through the requirement of making annual confession dating from 1215. Through the utterance of confession, those who had deviated from the authorised behavioural norms prescribed by the church could be reconciled by the words of absolution pronounced by the priest in the name of the church. Speech, then, had the power to be employed as a tool for destruction, or as a tool for redemption.

In response to the regulation of confession a whole discourse on godly and ungodly behaviour, in the form of treatises, sermons and a growing genre of manuals for confessors, emerged. Within this field there was a 'sharply demarcated subdiscourse

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[118] de Marconville, *A treatise*, [image 23].

[119] Romans 10:9 states: 'because if you confess with your lips that Jesus is Lord and believe in your heart that God raised him from the dead, you will be saved.'

[120] Edwin D. Craun, *Lies, Slander and Obscenity in Medieval English Literature: Pastoral Rhetoric and the Deviant Speaker*, Cambridge studies in medieval literature 31 (Cambridge: Cambridge University Press, 1997), 3.

on deviant speech, the Sins of the Tongue: uncontrolled speech in general and specific verbal sins.'[121] The number of specific sins of the tongue varied amongst confessors' manuals, with some providing quite comprehensive lists.[122] Guillelmus Peraldus's *Summa de vitiis*, a popular work which spread rapidly throughout Europe from the thirteenth century, warned readers of twenty-four forms of deviant speech: blasphemy, murmur, excusing sin, perjury, lying/false witness, detraction, flattery, cursing, insult, quarrelling, hypocrisy, rumour, boasting, revealing secrets, blunt threats, false promises, idle words, loquacity, base talk, scurrilous talk, mocking good people, evil counsel, sowing discord, imprudent taciturnity.[123] According to Craun, however, these verbal sins could be broadly condensed into seven basic offences: murmur, blasphemy, flattery, detraction, scurrillity, base talk, and idle words.[124] The challenge for the church, then, lay in finding ways to ensure that deviant speech, specifically in the public realm, was suppressed and that the flowering of good and godly speech was encouraged.

This concern with controlling such forms of misspeaking continued with the advent of the Protestant Reformation in Scotland; uncontrolled speech still had the power to threaten the established order in the heavenly and earthly realms. In a fit of disciplinary zeal in 1595, the St Andrews Kirk Session recorded numerous offences deemed worthy of punishment, amongst which was a list of verbal offences: 'bannaris and blasphemous sweraris, and quha takis the holy name of God in vane, all flytaris flatteraris bykbytaris of thair nichbouris drunkardis nicht walkeris and wikked sklanderaris.'[125] The tantalising inclusion of drunkards in this verbal mix

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[121] Craun, *Lies*, 3, 4.

[122] The desire to name and list offences continued after the establishment of Protestantism in Scotland. The *FBD* contains a brief list of both capital and non-capital offences. A much more extensive treatment of types of offence, grouped according to severity of offence, can be found in the *Order of Excommunication*. Divided into capital and non-capital offences, the latter category was further sub-divided into offences that were 'more haynous' and 'less haynous.' See *FBD*, 165-167, and Knox, *Excommunication*, 449, 453-454.

[123] Craun, *Lies*, 15-16.

[124] Craun, *Lies*, 25. Craun states that this particular work 'gave shape to, even dominated, the post-Lateran tradition of analyzing and controlling acts of speech, finding its way into nearly all types of pastoral literature for over two centuries.' See further Craun, *Lies*, 17.

[125] *RStAKS 2*, 807.

may be utterly coincidental alternatively, it may allude to the problems created by the loss of inhibitions brought on by alcohol.

Given the Protestant ideal that the godly community was an ordered community, kirk sessions took upon themselves the role of mediator and arbitrator in cases of verbal dispute settlement. Deviant speech, if left unchecked, had the potential to undermine the very fabric of godly civilisation and, further, to undermine both hierarchical and neighbourly relationships. In achieving reconciliation between parties involved in a verbal dispute, the possibility of tension heightening and moving into more violent physical conflict was also lessened. As for hierarchical or vertical relationships, to offend or call into question those in authority was believed to be akin to breaking the fifth commandment, the requirement to honour one's father and mother. The family unit and its interconnected relationships, along with the obligations and duties that went with it, was a model in miniature of how society at large operated. As the father ruled over the household, so the monarch ruled over the land, and, at the highest level of authority, so God reigned over both the heavenly and earthly spheres.

Particular sins of the tongue connected with the undermining of vertical, or hierarchical relationships included blasphemy, murmuring, scolding, and chiding. Blasphemy, directed as it was against God, was the ultimate verbal offence; it relied on the invocation of God's name and sought to harness God's will for malevolent purposes. Blasphemous speech was quite literally a verbal injuring of God's reputation. The word blaspheme originated from a combination of two Greek words βλάπτω, meaning I hurt or I injure, and φήμη, meaning fame or report. Thus blasphemy hurt or damaged God's reputation. Dishonouring God in this way was deemed so serious by Scots Protestants as to be punishable by death. Further, it was deemed to place the entire community in danger, as it exposed the community to God's wrath. Blasphemy was also the first 'crime' to be entered in the list of offences written in the *FBD* under the seventh head concerning ecclesiastical discipline.[126] A record from the session minutes of Aberdeen notes the disciplinary ritual used for those who blasphemed. Offenders were to be 'putt in cukstulis, with

[126] *FBD*, 165. Blasphemy also appeared in the list of capital crimes featured in *Excommunication*. See further Knox, *Excommunication*, 449.

ane crown of paper on thair heid, with ane circumscriptioun of their falt abowt the samin.'[127] Those who repeatedly blasphemed, and who had been punished three times, were to be banished. Murmuring also undermined authority, bringing with it echoes of the behaviour of the children of Israel in the wilderness. Daring to murmur against Moses and God brought with it the danger of God's displeasure evident in, for example, the occasional visitation of poisonous snakes.[128] Murmuring was the sly whisper of unrest, the quietly destructive insinuation of complaint that gnawed at the soul and created suspicion and dissatisfaction – in respect of God, of government, and of domestic arrangements.

Scolding or chiding involved the use of abusive speech which disturbed the peace; it involved quarrelsome behaviour. As defined by *DOST*, a scold was 'one given to the use of vituperation or abusive language; one who by the use of such language causes public disturbance; a foul-mouthed quarreller.'[129] Marjorie McIntosh believes that there were at least two varieties of scolds: 'in the first, a scold was quarrelsome, casting insults or engaging in heated arguments with others, thereby breaking the peace of the neighborhood.' The other, according to McIntosh:

> involved the deliberate spreading of malicious or false gossip, aptly described in fifteenth-century English as "back-biting". Because of its ability to shatter good social relations within the community, backbiting was seen as a particularly damaging sort of misconduct.[130]

Further, scolding was gender-related, an offence committed primarily by women. Lynda E. Boose notes that 'one can speculate that a "scold" was, in essence, any

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[127] *Selections from the Records of the Kirk Session, Presbytery, and Synod of Aberdeen*, ed. John Stuart, Spalding Club 15 (Aberdeen: Printed for the Spalding Club, 1846), 6.

[128] See Numbers 21:4-7; 1 Cor.10:10

[129] See DOST, http://www.dsl.ac.uk. Date accessed 12/02/12. The OED defines scolding as 'a person (esp. a woman) of ribald speech; later, a woman (rarely a man) addicted to abusive language'; a scold was 'a woman who disturbs the peace of the neighbourhood by her constant scolding.' See "scolding". Oxford Dictionaries. April 2010. Oxford University Press. http://oxforddictionaries.com/definition/english/scolding. Date accessed 20/01/12.

[130] Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370-1600*, Cambridge studies in population, economy, and society in past time 34 (Cambridge: Cambridge University Press, 1998), 60–61. Underdown defines a scold as a 'person (usually a woman) who disturbs the peace by publicly abusing family members or neighbours.' He adds that the act of scolding was 'violating the ideal of neighbourliness and "living in quiet".' See D. E. Underdown, 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England', in *Order and Disorder in Early Modern England*, eds. Anthony Fletcher and John Stevenson (Cambridge: Cambridge University Press, 1985), 119–120.

woman who verbally resisted or flouted authority publicly and stubbornly enough to challenge the underlying dictum of male rule.'[131] Sandy Bardsley also comments on the power dynamic attached to scolding, stating that it:

> was behavior that claimed, through the act of speech, a power to label and chastise others. It was fundamentally, therefore, concerned with status. By taking on the roles of labeller and castigator, alleged scolds threatened to usurp the positions of others accorded such functions.[132]

To be accused and found guilty of being a scold, therefore, involved several key elements. First, the scold had to have some disagreement with those in authority – whether a spouse, a member of the clergy, the local laird, or indeed God. Second, the disagreement needed to be voiced; words were chosen with the deliberate intention of undermining a figure of authority. They were also words intended to upset and disturb the usual societal order. Third, and crucially, scolding was a verbal offence that was committed in public not behind closed doors: the words were uttered in the public domain and were thus accessible to all.

One guaranteed method of not gaining the label of a scold was practising silence. Bardsley states that:

> a person could not be charged as a scold if he/ she was consistently amenable, silent, or withdrawn from community conflicts. The thing an individual had to do, the action he / she had to take, was to speak, and to speak in a way that could be perceived as disorderly and disruptive to the community at large.[133]

Within a society very conscious of honour and status, scolding was unchecked speech designed to create public scandal by poisoning reputations through a very audible disturbing of the peace.

Beyond these vertical or hierarchical relationships deviant speech also undermined relationships of a more horizontal, or neighbourly and peer-group, nature. Words wounded, and so they needed to be contained and controlled for the sake of harmonious relationships at every level. Offences such as lies, name-calling, gossip,

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[131] Lynda E. Boose, 'Scolding Brides and Bridling Scolds: Taming the Woman's Unruly Member', *Shakespeare Quarterly* 42, no. 2 (Summer 1991): 189.

[132] Sandy Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England*, The Middle Ages series (Philadelphia: University of Pennsylvania Press, 2006), 133.

[133] Bardsely, *Venomous Tongues*, 110.

and flyting all had the potential to sow the seeds of discord amongst neighbours. Misspeaking that caused disharmony amongst neighbours was seen to be a breach of the ninth commandment, to love one's neighbour. Calvin observed that:

> this commandment is lawfully observed when our tongue, in declaring the truth, serves both the good repute and the advantage of our neighbours ... For as a good name is more precious than all riches [Prov. 22: 1], we harm a man more by despoiling him of the integrity of his name than by taking away his possessions.[134]

As with those offences that threatened hierarchical relationships, ungodly speech employed along the horizontal status level only became an offence once it entered the public domain and thus created scandal. Further, in a culture which placed a premium upon honour, defamation of character was not just the province of those in authority; it extended to those who were of equal status. The damage caused by the loss of reputation was not merely cosmetic; it could have repercussions upon one's business or marital opportunities, or in the case of an accusation of witchcraft, could result in death.[135]

The importance of words, of speech, was that they conveyed information and thus the tongue was the chief means of communication. The act of lying, therefore, effectively subverted and perverted the intended purposes of speech; whereas truth informed, lies deliberately misinformed. To lie was to 'commit a fundamental injustice against other humans and against the natural order as reason perceives it.' Further, it was a violation of 'the communion of the minds which speech makes possible.'[136] In an Act of Parliament made on 20 June 1555, the giving of false witness was to be punished by the piercing of the offender's tongue, the loss of all their goods, and non-acceptance of honour, office, or dignity.[137]

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[134] Calvin, *Institutes 1*, 2.8.47, 412

[135] In December 1609, Aberdeen St Nicholas Kirk Session was faced with four women presenting a bill of complaint against one James Kemp. On finding him guilty of slander, the session noted that he 'most uncharitablie against the deutie of an gude cristiane nichtbor hes sclandert' the women. This was followed by a comment concerning the outcome had he been found to have been speaking the truth: 'gif it were trew (as god forbid) thay war warthie of most crewall and ignominious death.' The ritual of repentance Kemp had to undergo will be discussed below. CH2/448/3 f.18-21.

[136] Craun, *Lies*, 42–43.

[137] The Act declared: 'it is statute and ordanit quhair ony witnes deponis falslie or ony maner of persoun or persounis inducis thame to beir fals witnes, that all sic persounis in tymes cumming be punist be peirsing of thair toungis and escheting of all thair gudis to our soverane ladyis use and

The God-given gift of speech, enabling human beings to communicate with one another, was to be harnessed for the building up and edifying of the community. Prayer, praise, preaching, teaching, and the reading of the Word of God, as well as discussions concerning the Word and sermon, were all examples of acceptable non-deviant speech. The whole purpose of godly speech was that it pointed to and glorified God. Idle words, another form of verbal offence found regularly in kirk session registers, were those which did not edify or pertain to the edification of the faith. Idle words served no purpose; they wasted the time of both speaker and hearer, and were therefore deemed to be without profit. Signs of idle talk included:

> talking too much, telling tales that might not be true, using exaggeration and subtle speech to make people laugh, telling filthy jokes, and scorning one's neighbors for the good that they do – these are the five manners of idle speech.[138]

The words of Matthew 12:36-7 gave good reason to avoid idle talk as they indicated the accountability that lay behind 'every careless word you utter; for by your words you will be justified and by your words you will be condemned.'[139]

Defining 'evilspeaking,' Calvin described it as 'hateful accusation arising from evil intent and wanton desire to defame,' further adding that this also applied to taunting, barbed comments disguised in humour – in effect, making witticisms at the expense of others.[140] This latter description also fits with that oft-recurring verbal offence found in kirk session records, namely, flyting. Flyting as a term tends now to be used in a very restricted sense, utilised primarily by literary historians to denote a specific genre of poetry used in the late-fifteenth to mid-sixteenth centuries in Scotland. Priscilla Bawcutt states, however, that:

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declairit never to be habill to bruke honour, office or dignitie fra thine furth, and forther punischement to be maid in thair persounis at the sycht and discretioun of the lordis according to the qualitie of the fault.' *RPS*, A1555/6/23. Date accessed: 22/03/12.

[138] Susan E. Phillips, "'Janglynge in Cherche": Gossip and the Exemplum,' in *The Hands of the Tongue: essays on deviant speech*, ed. Edwin Craun (Kalamazoo (Mich.): Western Michigan University, 2007), 65.

[139] Matt. 12:36-7 reads: 'I tell you, on the day of judgment you will have to give an account for every careless word you utter; for by your words you will be justified, and by your words you will be condemned.' 1 Tim. 5:13 condemned idlers, gossips and busybodies, noting: 'besides that, they learn to be idle, gadding about from house to house; and they are not merely idle, but also gossips and busybodies, saying what they should not say.'

[140] Calvin, *Institutes 1*, 2.8.48, 412.

> throughout the medieval period, in England as well as in Scotland, the words flyte, flyting, and flyter were most common in non-literary uses and contexts. In Old English flītan meant "to dispute or quarrel". In later centuries, flyting signified noisy quarrels and arguments, carried on chiefly by lower orders, and – so it was insinuated – by women. A flyter was roughly synonymous with a scold (Scots scald).[141]

Whilst Bawcutt notes the 'roughly synonymous' nature of the words, as do DOST and the OED, kirk session records make a distinction between the offences of scolding and flyting.[142] In 1562, the Aberdeen Session records 'all commoun skoldis, flyttaris, and bardis to be baneist the toun,' while in 1604, in a section concerning offences committed on the Sabbath, the Ayr Session lists several verbal offences – flyting, scolding, and blasphemy.[143] The difference lay in the power dynamic: the scold was in control of speech in a one-way monologue without any expectation of an exchange. Flyters, on the other hand, were equals involved in a mutual exchange of invective, prepared to receive as well as to hurl out insults.

Various components used in poetic acts of flyting were also used in street-level acts of flyting. In an essay focusing upon Henryson's poem *Sum Practysis of Medecyne*, Douglas Gray notes that 'ingredients include laxatives, excrement, and some delightfully fantastic items.' He further observes that the use of such ingredients ensured 'a deliberately crude piece of invective intended to make an opponent reel as from a boxer's blow.'[144] R. J. Lyall remarks upon the more creative aspects of flyting, stating that 'the demands of the flyting require that every possible source of

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[141] Bawcutt, *Dunbar the Makar*, 222–223.

[142] Both DOST and the OED use 'flyte' and 'scold' synonymously, whilst also noting the literary allusions attached to the act of flyting. DOST defines to 'flyte' as 'to scold, chide, rail; to altercate,' and 'flyting' as 'scolding, vituperating; specif., a contest between poets in mutual abuse, now only in reference to Sc. literary history.' See DOST, accessed 12/02/12. The OED definition also puts both flyting and scolding together: 'flyte// scold a. The action of the verb flite v.; contention, wrangling; scolding, rebuking; †a reproach. b. orig. Sc. Poetical invective; originally, a kind of contest practised by the Scottish poets of the 16th c., in which two persons assailed each other alternately with tirades of abusive verse; also in extended use.' In OED, accessed 20/01/12.

[143] Stuart, *Aberdeen*, 9; CH2/751/1, f.2.

[144] Douglas Gray, 'Rough Music: Some Early Invectives and flytings', *The Yearbook of English Studies* 14 (1984): 33. Todd has a discussion on the varied epithets used by those involved in flyting, noting that 'theif' and 'whore' were commonly used as well as scatological references. See Todd, *Culture*, 240-241.

abuse should be tapped without too much regard to truth or fairness.'[145] The difficulty, however, was that truth did matter, particularly in the public arena; given this, once words had been spoken, could they be unspoken?

In the pursuit of promoting peace and encouraging godly speech, the kirk session of Perth drafted an act setting out the penalties for mis-speaking on 7 November 1587.[146] Having been in 'sundrye and dyverse tymes troublit with flyters and sklanderers ... and for order taking with them in tymes cumming' the session ensured that those found guilty of causing public offence were, in turn, to make their repentance in a very public location, in the kirk. Furthermore, the duration of the repentance was not limited to the Sunday morning diet of worship, but was to be made over the course of a weekend. On the Saturday, the offender was to be 'put upon the kirkstule' for two hours, between 10am-12 noon, and 'theron to remane with the brankes in their mouth.' The branks, or scold's bridle, while visibly symbolising the crime, also had the added element of physically constraining the wearer from speaking; the offending tongue could not offend during the time of repentance. Upon completion of the two hours spent on the stool in the branks, the offender was then required to pay a fine of half a merk to the poor-box.

The following day, the offender was required to attend the church during worship, to spend time once again on the stool of repentance. The stool appears to have been of some height, as the offender was, at the required time, to 'cum down' from it, and confess. Through the act of making a public confession in front of the 'haill congregation,' the expectation was that those words which had been previously carelessly flung into the public arena were to be tamed by recalling them. This performance also contained within it the symbolic gesture of obeisance; offenders were required to humble themselves by kneeling in front of the offended party or parties, with the added humiliation of asking for forgiveness.[147] Within the context

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[145] R. J. Lyall, 'Complaint, Satire and invective in Middle Scots Literature', in *Church, Politics and Society 1408-1929*, ed. N. MacDougall (Edinburgh: John Donald Publishers, 1983), 45–46.

[146] *Perth*, 354. The use of 'kirkstule' is unusual here, however according to the mss this is correct. See CH2/521/2/1.

[147] The act states: 'understanding that thai have bene sundrye and dyverse tymes troublit with flyters and sklanderers of their nychtboures, and for order taking with them in tymes cuming ordains that all persones quhatsumever within this burgh or parochin of the same alsweill to burgh as to land

of performing repentance for slanderous speech, apart from the use of the branks, another ritual of reconciliation and repentance was also in use in Scotland.

In her excellent essay, "Tongue you Lied", Elizabeth Ewan focuses upon a ritual of reconciliation employed by church and civil authorities both before and after 1560 which was unique to Scotland and mentioned in Section One.[148] Very specifically designed to symbolise the taking back of words and the restoration of character, the ritual very aptly involved the use of a particular gesture. Those found guilty of verbal offences that impugned the reputation of another were required to rebuke their tongue in front of the injured party, saying 'tongue, you lied when you said' followed by a recitation of the offending words. The words formerly misspoken were now recalled. Often this speech would be followed by the giving back of the offended person's character, using the words 'I know nothing but gud and honeste of them.'

The specific ritual gesture accompanying the act of reconciliation in the case of crimes of the tongue could include the offender pointing to the offending implement, their tongue, or actually holding it while repeating the 'tongue you lied' formula. Here it is interesting to speculate which came first, the gesture of tongue-holding or the phrase 'hold your tongue.' To this gesture was often added the kneeling down in front of the offender in a gesture of obeisance, the physical act which symbolised the

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being callit accusit and convict of the offences of flyting and sklander sall be apprehendit be the bailyeis quheresumever for the tyme and on Saturday immediatly following the daie and dait of the decret against the sklanderer and flyter, and put upon the kirkstule fra ten hores afoir none quhill twelffe, theron to remane with the brankes in their mouth and not to cum down quhill the foirsaides twa hores be justly expyrit and past, and terefter pay ane half merk to the puir and also find couation to compeir in the seat and stule of publicke repentance thair to confesss their offence publikly in presens of the haill congregaiton convenit in tyme of preitsching and to cum down therefter and humblie on their knees craif the persons or persons offendit pardon and forgevenes.' See *Perth*, 354.

[148] See Section One, 66-67. Ewan, "'Tongue you Lied"', 115–136. In comparison to Scotland, there appears to be a vast cornucopia of work written on deviant speech in the late medieval and early modern period: Bardsley, *Venomous Tongues*; Boose, 'Scolding Brides'; Edwin Craun, *The Hands of the Tongue: essays on deviant speech* (Kalamazoo (Mich.): Western Michigan University, 2007); Craun, *Lies*; Gray, 'Rough Music: Some Early Invectives and flytings'; McIntosh, *Controlling Misbehavior in England, 1370-1600*; Phillips, "Janglynge"; Underdown, 'Taming of the Scold'. When it comes to addressing the topic in early modern Scotland, however, Ewan's essay is a veritable oasis in the research desert. When the topic is addressed, it is within a literary context, such as Bawcutt, *Dunbar the Makar*; Lyall, 'Complaint, Satire and invective in Middle Scots Literature'; and Kenneth Simpson, 'The Legacy of Flyting', *Studies in Scottish Literature: the Language and Literature of Early Scotland* 26 (1991): 503–514.

lowering of one's status. Once the injured party had agreed to reconcile, the whole performance would conclude with the shaking of hands, symbolising agreement, friendship, and the restoration of the relationship.

Depending upon how public the offence was, and on the swiftness of the offender to agree to repent, this performance could be undertaken in several locations. If the offender had been quick to confess their fault, the performance would be carried out in the relative privacy of the kirk session, or Guild meeting or equivalent if prior to the Reformation. On occasion, the session would direct the parties to enact the ritual at the place where the offence had occurred. In the Canongate records, one offender was requested to make their reconciliation in a house, while another reconciled in a bakehouse.[149] If the offence was particularly public, offenders performed their repentance in the full face of the congregation during worship, and could also be required to stand at the market cross; both locations were guaranteed to provide greatest public exposure and accountability.

In a case of defamation from the Stirling Presbytery Records of October 1590, a weaver named William Morris had publicly boasted that he had committed 'hurdome' with a married woman called Helen Menteith. Adamant that Morris was lying, Menteith and her father complained to Stirling Presbytery. Morris, having been found guilty, was required to make his repentance by appearing one Sunday in the parish kirk of Dollar. Taking back his slanderous words, Morris was to:

> confes publictlie in p[rese]ns of ye haill congregatione yat he hes innocentlie sclandirit ye said hellein and yat ye words he spak of hir war fals, and [there]for to crave god, ye said hellein and ye kirk forgevenes. And to declair he knawis na thing to hir bot honestie.[150]

Through this ritual of recalling injudicious and harmful words, Menteith's reputation, and presumably her marriage, was thus restored; further, she was spared the possibility of being accused and charged with the serious crime of adultery.

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[149] *Canagait*, 61.

[150] CH2/722/2, f. 73.

False words could not only cause reputations to be lost; they could cost lives, as noted earlier. An entry from 24 December from the Aberdeen St Nicholas Session records tells the story of four women who had been falsely accused of witchcraft by James Kemp. The four women, Issobel Robertson, Issobel Forbes, Issobel Crawford, and Marjory Paterson, along with their husbands, presented a bill of complaint to the session against Kemp. All claimed that they were innocent, stating that they were honest women who did not want to be 'undefamed or spotted with any blott of dishonestie or notourie cryme.' In a considered and careful process, with the aid of a host of witnesses, the four women were found to be innocent. The record notes the literally grave repercussions that Kemp's unchecked words could have had: 'gif it were trew (as god forbid) thay war warthie of most crewall and ignominious death.'

Due to the seriousness of the accusation, Kemp's ritual of repentance was very much in the public sphere. It involved two locations, the old and the new kirk, a costume of sackcloth, obeisance on his knees, and the restoration of the women's character through the recalling of his wild words. The record, due to the notoriety of the crime, provides comprehensive detail of what Kemp was required to do, namely, to:

> sitt in sackcloth on the piller of Repentance tua severall sundayis the ane sonday in the new kirk and the uther in the auld kirk during the haill tyme of the sermonis befoir noone and howsone [as soon as] the sermonis ar endit to cum doun in sackclith befoir the pulpitt bairfutted and thair in all humilitie sitt doun on his kneis in presens of the haill congregatioun and thair confes (as the treuth is) that he hes most iniustlie and maliciouslie sclandered the said persones and ask furst god and nixt the congregatioun with the haill pairties sclandered pairdoun and forgivenes and to say fals toung he lied.[151]

This was followed with a warning that should Kemp refuse to comply, he would be banished from the burgh.

Not all who were charged with various sins of the tongue were required to perform their repentance quite so publicly. Rituals of repentance were also enacted within the relative privacy of the kirk session meeting itself if the parties were agreeable to ending the matter at that point. A case from the North Leith Session register in July

[151] CH2/448/3, f.18-20.

1609 tells the tale of one Marion Mitchell, who appeared to have a particular talent for causing offence. In a case of a tongue being completely unbridled, Mitchell was accused of three different speech offences in the one entry. Two of these offences challenged authority, and the other offended on the neighbourly level.

The initial offence concerned her dislike of the minister, whom she called 'partial' and a liar. Having been brought before the session, questioned and found guilty, she 'confest hir offence be siting doun upone hir kneis in presence of ye sessioun, cravit mercie at god and the pastor forgiveness.' However, Mitchell still had more to say, proceeding to turn her tongue upon the session and swearing at them all. Challenged on her behaviour, Mitchell volunteered to amend her ways and 'never to be fund offensive to nane of ye parochin quhat sumever at na tyme heirefter under the paine of standing in the jogis or on the kok stulie.' This was, however, too late for the unfortunate Katherine Wood, whom Marion was accused of offending 'with injurious speiches be calling hir commoun hure and skailer of honest mens housis,' effectively calling Katherine a home-wrecker. In this morass of offence, confession, and further offence, Mitchell once again confessed her fault and was subsequently warded until the end of the session, after which she was to 'ask ye said Kathereine forgivenes in the place quhair scho offendit hir.' The dispute with Katherine Wood, however, was not one-sided; in the same record Wood was also required to ask Mitchell's forgiveness in the place where she had called Mitchell a 'drunken jad.'[152]

In another case from North Leith in November of the same year, the session record shows evidence that some ritual involving the use of speech formula was practised. While there is no overt mention of 'tongue you lied,' there is the use of the other

[152] The record in full states: 'Compeirit Marionn Mitchell and being accusit for calling the pastor partiell in presence of the sessioun, the contrair being trew. And for aledging a lie upone him. Was convict of a fault. Confest hir offence be siting doun upone hir kneis in presence of ye sessioun, cravit mercie at god and the pastor forgiveness. And being accusit for sweiring in presence of ye sessioun, confest hir offence and promeist ammendement in all tyme cuming. Became actit with hir awin consent never to be fund offensive to nane of ye parochin quhat sumever at na tyme heirefter under the paine of standing in the jogis or on the kok stulie. And being accusit for injuring Kathereine Wod with injurious speiches be calling hir commoun hure and skailer of honest mens housis. Confest hir offence in sa doing. Was ordanit to be wairdit thairin to remain quhill the sessioun wer endit and thairefter to ask ye said Kathereine forgivenes in the place quhair scho offendit hir.' CH2/621/1/191. A session record from Perth in 1589 notes a dispute between Margaret MacLaren and Margaret Robertson. Robertson had brought a complaint against MacLaren accusing her of slander. Subsequently found guilty, MacLaren was required to get down 'upon hir kneis in presens of the minister and elders to ask ... pardon and forgevenes and lykwayis on hir kneis affoir hir awn house the place quhar sho comittit thes sklanderous words.' *Perth*, 422.

ritual phrase which declared the offended party's honesty of character. In a case of slander which was backed up on the evidence of witnesses, Isobel Storey was rather more compliant than the afore-mentioned Marion Mitchell. Realising the situation, she immediately acquiesced and restored the offended party's reputation and 'declairit sche knew nathing of the said Janet bot honestie.' This was to be followed up with returning to the scene of the offence and 'thair to confess hir offence, cravie mercie at god thairfoir and to promeis amendement in tyme cuming.'[153]

As noted in Section One, the earliest record of the 'false tongue you lied' ritual is found in the Aberdeen Council Registers of 1509.[154] This ritual of repentance, echoing the offence committed by the medium of speech, while used prior to the Protestant Reformation in Scotland, was used sparingly. Post-Reformation, however, while ritual continuity was retained, the reconciling performance of withdrawing wild words was expanded; it became a standard fixture in the disciplinary medicine cabinet of Kirk Sessions to be used in disputes at both hierarchical and peer levels. On occasion, offenders were given specific locations where they were required to enact the ritual such as in the place where the offence had occurred, or at the market cross, as well as within the course of public worship. Most cases, however, were resolved within the more intimate surrounds of the kirk session.

As was the case with all rituals of repentance and reconciliation, gestures and words were important. While gestures 'expressed the movement of the soul (in this case genuine contrition) through the use of the body,' words expressed by the tongue, through contrition and confession, called back that which had been mis-spoken, consigning those words to oblivion.[155] Such rituals, utilised for sins of the tongue, brought both restitution of the offender's soul as well as the offended party's reputation, and reconciliation with God, kirk and community. If mis-spoken words

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[153] CH2/621/1/200. Here the record states: 'Compeirit Issobell Storie, spous to James Wadie. And being accusit for selandering Janet Kilbowie with sclanderous speiches as was proven be probatioun of witnesses. Submitit hir selff to the will of the sessioun and declairit sche knew nathing of the said Janet bot honestie. The said Issobell was ordanit to gang to ye place quahir sche offendit the said Janet and thair to confess hir offence, cravie mercie at god thairfoir and to promeis amendement in tyme cuming. Was willing to do the same and became actit with hir awin consent never to do the lyke againe at na tyme heirefter.'

[154] Section One, 64ff.

[155] Ewan, "Tongue you Lied", 119; Todd, *Culture*, 251.

were consigned to oblivion, so too were the schemes of those who deliberately pursued the practice; this according to John Maitland in his ditty *Aganis Sklandrous Toungis*, written in 1572:

> ȝit thai will leif thair leing at the last
> Ffra thai advert Invy will not availl
> Bakbyttarris brutis bydis bot ane blast
> Thai flwreis sone bot forder fructe thai faill.[156]

Further, such rituals aimed to restore order from disorder, the godly community being, after all, an ordered community.

The need to control deviant speech did not alter with a change of religion, as rituals of repentance from both pre and post-Reformation Scotland attest. Further, the manner in which these rituals were performed demonstrated not only a remarkable continuity but also a quite unique element, the use of set speech formulas to unsay, or take back, that which had been said. In December 1562, a kirk session minute from the records of St Nicholas Aberdeen noted that 'ye almychty god hes forbidding all murther & slauchter' before adding that such deeds might be provoked through 'iniurious & evill speche.' Through acting as both mediator and arbiter, and taking verbal dispute seriously, the aim of the session was 'yat ye occasiounis offall [sic] stryfe & c[on]tention quhairof slauchter & bludshedding comesmay be Removit & avoidit'; in other words, to nip the possibility of violence in the bud.[157] That mediation, without resort to violence, was successful at times, and that disputing parties did effect reconciliation through ritual gesture and speech is not in doubt; evidence in the form of session minutes abounds. Intervention and mediation was not always effected without injury or bloodshed, however; these same records also note disputes that went well beyond the verbal and moved into physical violence and even death, as will be explored in the following chapter.

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[156] *The Maitland Folio Manuscript*, vol. 1, ed. W. A. Craigie (Edinburgh: Scottish Text Society, 1919), 287. Given there are several somewhat obscure mid-Scots terms used in the poem, a basic translation would be: yet they will cease their lying at the last, from their attention malice will not avail. Backbiters' roars bides but a blast, they flower soon but further fruit they fail.

[157] CH2/448/1, f.5, St Nicholas Church, Aberdeen.

Chapter Five/ 'fechting and tulezeing wpon Sonday': conflict and reconciliation rituals in domestic and neighbourly disputes

> Put backe our enemies farre from vs, and grant vs to obteine:
> Peace in our hearts with God and man, without grudge or disdaine ...
>
> Of all strife and dissension, o Lord dissolue the bands,
> And make the knottes of peace and loue throughout all Christian lands.[158]

Given the drive to create an ordered and harmonious community, ecclesiastical discipline strove to ensure the visible demonstration of love of God and love of neighbour. When neighbourly love turned to loathing, and disputes arose, the Kirk took upon itself the role of mediator and arbiter. As observed in the previous chapter, kirk sessions achieved some measure of success in preventing verbal disputes escalating into physical fights. Not all disputes, however, involved the flinging of words as weapons. Session minutes indicate that when dispute moved beyond words the throwing of fists, flinging of knives, drawing of swords, and occasional bludgeoning with a hammer also occurred. Depending upon the readiness of an offender, or indeed of both parties, to return to a state of neighbourly amity not enmity, rituals of reconciliation were performed either within the semi-public arena of the session, or upon the wider stage in face of all of one's neighbours at the church or market cross, or both.

In a minute dated 8 December 1565, the Canongate session records note the reconciliation of a group of four men who had been in a drunken brawl which had moved from the verbal to the violent. The reconciliation took place within the closed confines of the session meeting, suggesting the willingness of all parties to seek resolution. Their willingness to underlie discipline, however, may have had more to do with avoiding the possibility of performing the ritual in the full and humiliating face of the community. This is based upon evidence that all had failed to compeir before the session when asked, and only agreed to reconcile after they had been

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[158] Verses from the 'Veni Creator', *BCO*, 207.

requested to appear a further time. Nevertheless, suitable signs of contrition must have been in evidence and the four, David Dickson, Mungo Reid, William Dason, and Thomas Paterson were instructed to 'tak the oder be the hand in taikin of reconsiliatioun.' They were then warned by the session that a repeat occurrence of their behaviour, namely 'flyttand, fychtand, drukin,' would ensure the performance of public repentance.[159] Mungo Reid would later appear in another record of a dispute on 31 July 1566 with George Skedownie. This dispute was also settled within the confines of the session, again using the ritual gesture of taking one another's hands, and in this case, both asking each other's forgiveness.[160]

Concerning the use of knives as a prop in ritual reconciliation, an entry in the South Leith Session records dated 18 August 1609 notes a case in which a whinger was drawn during a fight. Implicated in the brawl was one Robert Ritchie, who had already been in front of the Session for the offence of fornication. Ritchie, although required to go to the baillies to be warded, had not complied, and had subsequently compounded his offence by involvement in the brawl; worse still, the fight had taken place on a Sabbath. The Session challenged him concerning his 'fechting and tulezeing wpon Sonday at evin with Williame Davidsone, Williame Ker and Mathew Mitchell.' An account of the fight was then given although Ritchie appears not to have been the one drawing the knife:

> Williame Ker granted that he casst Williame Davidsones cloke over his face at the quhilk [~~the said~~] he wes offendit and yairfoir drew ane quhinger as wes alledgit. The wther tua wer redders.[161]

After being duly admonished by the Session, those involved in the brawl appeared ready to reconcile, first confessing their fault and then asking for God's forgiveness. While no mention is made of them asking each other's forgiveness they did both volunteer jointly to each pay a 40 schilling fine and make public repentance in front of the pulpit if they reoffended. The offer may be taken as a sign that they had reconciled not just with God, but also with each other. This particular session entry

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[159] *Canagait*, 32.

[160] *Canagait*, 48.

[161] CH2/716/2/41. The record reads: 'they were admonished, confessed yair fault and asked god forgiveness and acted thaime selves wnder the paine of 40s everie ane of thame that they suld not be fund drinkin or fechting at ony tyme heirefter and that they suld make thair repentance publiktlie before the pulpit.'

serves to demonstrate the fact that not every recorded case of reconciliation in front of the kirk session utilised, or noted, the full array of speech and gesture; indeed, the latter appears to be unusual.[162]

Sessions also concerned themselves with dispute resolution in cases of domestic violence, as a case from Burntisland dated 29 July 1609 demonstrates. In this instance, the main protagonist was the unnamed wife who was accused of drunkenness and striking her husband, John Young. In reaction to the overturning of household authority, and because the offence had been seen in public, the penance meted out by the session was severe. Instructions were given to the bailies to 'put hir in the goves [pillory] with ane paper on hir heid on the maist pupulous mercat day,' ensuring that as many people in the town would see her and that the paper hat would indicate her offence to all. The woman was further threatened with banishment if she repeated the offence. In another example from Burntisland of domestic violence fuelled by drunkenness, dated 7 October 1604, drinking led John Black to use irreverent language followed by the striking of his wife. In this case, the session worked in tandem with the civil authorities: Black was warded and charged with hitting his wife and fined 40s.[163]

Quarrels between offspring and their parents were also fodder for kirk reconciliation. In amongst the entries of the St Andrews kirk session register the grim story of a violent attack by David Leys upon his father John, a smith, is recorded.[164] The minute, dated 17 April 1594, demonstrates a good working relationship between session and civil magistrate. The session requested that the magistrate bring Leys before them and try him in accordance with the law, which they 'maist willinglie obeyit.' Leys was, accordingly, convicted. This civil legality dealt with, the session attended to spiritual discipline and outlined the appropriate satisfaction for the offence that Leys had committed. Designed to ensure maximum public exposure and

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[162] An analysis of ritual gestures in the Canongate Kirk during the three years 1564-1567 was undertaken and demonstrated the various combinations of ritual words and gestures employed. However, there was no single case in which all elements were required, or noted down by the clerk, for making repentance.

[163] CH2/523/1/, 29, 31.

[164] The full account is contained in *RSTAKS 1*, 785-786.

humiliation, the session gave directions that this particular penitential performance was to be staged in three arenas: during worship on the Sunday; at the market cross on Monday morning; upon the moveable 'stage' of the cart driven through the 'haill town'; and thereafter once again at the cross. Throughout the entire time, increasing the humiliation, Leys was to wear a garment made of sackcloth, was required to be both bare-headed and barefoot, and to be adorned with:

> ane papir writin in great letteris about his heid thir wordis: - BEHALD THE ON NATURALL SONE PUNISIT FOR PUTTING HAND IN HIS FATHER AND DISHONORING OF GOD IN HIM.

Along with this costume he was to carry two props, these being, or representing, the offending instruments 'quhairwith he manassit his father,' namely 'ane hammer in the ane hand and ane stane in the uther hand.'

Leys' appearance within the kirk during Sunday worship came with the instruction that he was to stand 'upon the highest degree of the penitent stool', again designed to ensure full exposure. Upon coming down from the stool, he was then required to 'ask God forgifness his father and the haill pepill,' a standard post-confession speech. The following morning, the drama continued: this time played out at the market cross, with Leys being confined in the jougs between 10am-12 noon, wearing the penitential costume of the day before. Once this stage of his penance had been completed, Leys was carted around the town and, as the minute notes, 'be oppin proclamatioun the pepill to be advertisit and informit of his falt.' After the entire town had both seen Leys as he journeyed around the town and heard of his offence, the cart was to make its way back to the market cross. Here, in the place where local news was exchanged, and the king's laws read out, Leys' charges were read out in full to the watching townspeople. To this was added a public warning that:

> if he evir offend aganis his father or mother heireftir, in word or deid, that member of his body quhairby he offendis salbe cuttit of from him, be it tung hand or futt, without mercy.

A clue to the reason for the extremity of this reconciliation ritual is found in the wording of the paper hat worn: Leys had broken the fifth commandment. However, other telling evidence can be found in the form of the two props that Leys was required to carry in his hands, the stone and the hammer. His father, John Leys, was fortunate to have survived a beating with such items: the penance that his son was required to perform was an atonement for attempted patricide. The account finishes

with a confirmation that the performance had been carried out 'with great solemnitie.'[165]

In the case of a violent death from the Canongate minutes dated January 1566, a very detailed entry is recorded of the penance of Marjory Brison, who had killed a man. Brison's name first appears in the session register on 8 December 1565. A minister named David Wardlaw had come before the Canongate session asking that marriage banns be proclaimed for Brison and her intended spouse William Monroe. The minute reveals that banns had not been proclaimed as Brison had taken a life. The minute further claims that her case had gone before the General Assembly the previous summer and the Assembly required that she make her repentance.[166] The session was reluctant to proclaim the banns until Brison had made her satisfaction. Wardlaw returned to the session several days later on 11 December complaining on Brison's behalf, and the superintendent who had been sitting in on the session meeting instructed the banns to be partially proclaimed – twice prior to the upcoming meeting of the General Assembly to be held on 25 December.

It would appear that the previous decision of the Assembly was subsequently upheld. A session entry for 5 January 1566 sets out the penance that Brison was to undertake. Over the course of three Sundays, Brison was required to:

> cum to the place appointit for publitt repentance, barfit and bair legit, with ane peticot quhit, for our collour or sleffis, or clayth upone hir heid, with ane knif maid of tre dippit in blude; and thair, biand callit wpone, humlie sall require for Godis mercy and forgevinis of bretherin, and thay thai may call upone thair God for hir, to appardone hir hewie offence; and in the thrid Sonday to resave hir agane to the kirk, in taking of the quhilk ane elder of the kirk sall resaw hir be the hand and tak the knyf frome hir, knowing hir to have gottin remissioun of the princes and parties satifiit.[167]

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[165] In another case of violent filial disobedience, the Dundonald register records the less detailed story of John Brydon, who had beaten his father. The session required him to make a public repentance wearing linen, and 'to humelie craif his fatheris pardoun.' *Dundonald*, 78.

[166] Although the session minute records the fact, there is no record of Brison's case in the minutes of the Assembly at the time noted.

[167] *Canagait*, 36.

That Brison had killed a man and yet was able to plan for a future highlights that she had been pardoned; the last sentence in the above quote confirms her remission. To have managed to receive a pardon indicates that she was either well-connected, or well-off, and that the circumstances of the killing may have been extenuating: pardon was granted in cases of self-defence, and in the case of women, for defence against attempted rape.

Unlike the account from St Andrews of David Leys, Brison was only required to appear in the one location, at the church during worship. As in the case of Leys, however, the costume for the performance was given in detail and, like Leys, Brison was also required to appear bare-headed and barefoot, although in this instance she was also bare-legged, and no paper hats are mentioned. A prop symbolising the offence was also in evidence in Brison's performance, namely, a wooden knife that had been dipped in blood. The standard speech requesting God's mercy and forgiveness was also assigned with the added note that Brison was to request that the congregation pray to God on her behalf. The way this latter detail is worded reveals the spiritual division between the congregation and Brison, and also shows her separation from God. The congregation were to call upon 'thair' God, as opposed to just 'God.' This separation, however, was overcome on the final Sunday. The symbol of the offence, the knife, was removed, and in that gesture, the offence wiped away. With the offence removed, the congregation, as the priesthood of all believers, were able to receive her into the community of the faithful, this symbolised by the shaking of hands. Brison was finally able to marry her man. The account provides no detail of the slain man, and particularly no mention of his relatives, so this case would not appear at face-value to be an example of some ongoing bloodfeud. Or, at the least, there is no appearance of the session being involved in any type of feud reconciliation in this instance. Kirk sessions did, however, concern themselves with feud settlement, as again they attempted to steer the community of the godly, and not quite so godly, into harmonious waters.

'Ane carnall band of blodd': the Kirk, and mediating peace in the feud

Before considering the manner in which the Kirk participated in, or influenced, the resolution of bloodfeud, both in individual cases and in wider society, some

background on feuding needs to be addressed. While a policy of early dispute intervention was in place in some parishes, such as the Canongate Kirk, and potentially acted as a preventative in the escalation of tensions, the resolution of bloodfeud was an entirely different matter: social status came into play. James VI, discussing the various vices of the three estates of Scotland in his book on kingship, *Basilikon Doron*, noted that the principal vice of the nobility was 'a fectles arrogant conceite of their greatnesse and power,' taken in with their mother's milk. James observed that stemming from this arrogance, 'their honour stood in committing three poyntes of iniquitie.' The three points in question were the oppression of those deemed 'the meaner sort' who lived within the noble's area of power – and the pressing of them into service; defending them and any dependants against accusations of wrong-doing; and the importance of maintaining reputation and honour, even to the death:

> for any displeasure that they apprehend to bee done unto them by their neighbour, to take up a plaine feide against him, and (without respect to God, King or common-weale) to bang it out bravelie, hee and all his kinne against him and all his.[168]

What James was portraying, rather negatively, were the rights and responsibilities of privilege derived from lineage and, further, a description of those elements found in what were known as bonds of manrent and maintenance.[169] These were written agreements, in which a man would come before his lord and agree to be bound in his service. In exchange for his loyalty, sometimes evidenced by the use of his body in battle, the one contracting himself would expect to come under the protection of his lord. Further, bonds implied relationship, and were utilised as a way of

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[168] James VI, *Basilicon Doron, 1599* (Menston: Scholar Press, 1969), 53–54.

[169] The bond, or 'band', was 'the word for an extremely commonplace document of the fifteenth and sixteenth centuries, always written in the vernacular and describing a one-sided obligation whereby a man bound himself to fulfil obligations to another in matters of money or land or in the reinforcing of obligations already stated in mutual contract between the grantor and recipient of the bond.' See Jenny Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh: John Donald Publishers, 1985), 14. The bond of manrent was, essentially, hierarchical in nature, drawn up between a superior and an inferior. In contrast, bonds of friendship could be drawn up by lords of equal standing, such as the Murray bond discussed below.

'complementing and adding to the kin group, and imposing on those who were not the lord's kin the obligations which bound those who were.'[170]

Being part of a kin-group provided several benefits. It gave a sense of identity and family pride; it indicated that all were descended from a common 'great' ancestor and in this, all were united by a common shared story and tradition; and it fed into a sense of being united in a common cause. This is seen in a bond of friendship, dated 12 July 1586, between John Murray of Tullibardine, Andrew Murray, William Murray, and Robert Murray, in which they stated and affirmed:

> takand the burden upon us for our Kin friendis ... Being Convenit for the assurance and order taking of our own Estates the defence [of] our roumes Tacks sleddingis guids and gear whilk be the incursion of broken men and unthankfull unnatural neighbors may appear to be in danger ... In Consideration whereof we all with ane assent binds and oblidges us be this presents and be ther faith and [hew??] of our Bodies solemplkie sworne ... sua that anis cause shall be all and all shall be anie.[171]

That the Murrays' agreement was mutually beneficial is further attested in a later bond from 1598. In this document, various members of the Murray kin, concerned about their geographical dispersion and potential vulnerability to attack, reaffirmed the friendship. The account testifies that they once again agreed to take:

> the burden upon us for our haill kin friends servants & dependers being presently considering that we are far dispersed in sundry parts of this Realm far distant from others.

The wording of the bond itself was skillfully crafted. It both acknowledged the difficulties arising from being dispersed over such a wide geographical area, particularly the ability 'to serve his Majesty in his Highness & Countrys cause as our Godd will and intention is,' while simultaneously attesting Murray allegiance to the Crown. The bond therefore was seen as a useful solution to this doubly vexing problem of protecting their property and proving their loyalty to the king. Here, the

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[170] Wormald, *Lords*, 76. Wormald notes of the term 'kin' that 'the blood-tie itself may be both too much and too little of a guide. Men did not recognise obligations to every known kinsman; and they behaved as kinsmen to people who in strictly genealogical terms had little claim on them.' Wormald, *Lords*, 80.

[171] Dalguise Muniments, GD38/1/73a.

agreement to defend one another was to serve the purpose 'that we and ilk ane of us may be the mair able and ready to serve his majesty at all occasions according to our Good Mind & intention.' In shades of the earlier agreement in which they promised to come to each other's aid in time of attack, they reiterated their unity 'sae that anes cause shall be all and all shall be ane.'[172]

In an honour-based culture where knives were widely carried and the wearing of swords was commonplace, Jenny Wormald wryly states that:

> honour involved many things, but it was never emasculated to the point of merely decent and respectable behaviour. Men did not wear swords for decorative purposes; and they did not make bonds only to live at peace with one another.[173]

Bonds of manrent, with their mutual obligations, further demonstrated that while public justice was at work within sixteenth century Scotland, it was also undertaken privately by the powerful. Lords involved themselves actively in the lives of those who had pledged their loyalty to them. In contrast to what James VI claimed regarding nobles maintaining 'their servants and dependers in any wrong,' lords acted as both dispute mediators and arbiters as the occasion arose. Herein lay the other benefit of such agreements: speed. Private settlement was quicker than the protracted processes of the public system of justice. Local, private justice came with the understanding that those involved in all aspects of the case knew each other in some way. Given this, offenders were more likely to amend their behaviour accordingly, in comparison with following a ruling laid out by an unknown name in a distant court.[174]

Demonstrating the breadth of its reach, private kin-based justice extended beyond minor squabbles and was also employed when the outcome of a dispute was death, resulting in a bloodfeud. The benefits of a private settlement in the case of bloodfeud were threefold. Private dispute settlement restored order relatively

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[172] Dalguise Muniments, GD38/1/85a.

[173] Wormald, *Lords*, 115.

[174] Jenny Wormald, 'Bloodfeud, Kindred and Government in Early Modern Scotland', *Past & Present* 87, no. 1 (May 1, 1980): 73.

quickly and brought peace between the killer and the victim's kin. It ensured reparation for those who were wronged, and provided 'an answer to the perennial problem of crime and violence.'[175] This is not to suggest, however, that at any given time and place in Scotland, hordes of Scots were beating each other senseless and subsequently reconciling. Keith M. Brown observes: 'Scottish burghs were not bloody, violent places where feud incessantly raged. Even in the countryside the feud was not that disruptive.'[176]

Within sixteenth century Scotland, there were particular factors within society which exacerbated feuding and violence. The Crown was weakened by minority and then absent rule from 1542-1561, followed by minority rule again from 1567. Further, political conditions between the 1540's and the 1590's were chronically unstable due to the 'rough wooing,' French involvement in Scottish affairs, and factionalism amongst those with power. Brown notes that 'in the thirty-six years between 1559 and 1594, only twelve years were not marred by actual civil war, rebellion, or a coup.'[177] Religion also played its part in undermining stability with the collapse of Catholicism in Scotland and the change to Protestantism. Economic and social factors such as inflation and accelerating price rises, combined with a growing population, bouts of plague, poor harvests and attendant famines created further breeding-grounds for discord and dissent. Added to this already volatile mix was an honour culture in which one's reputation and status were highly prized.

The process of the feud itself would initially be sparked off by an act, or acts, of violence between individual parties, at times involving accomplices. The wronged party, or rather the kin of the offended, would then take their call for justice to their lord, who would act on their behalf. Once accusations had been made, thoughts then turned to the pursuit of the killer. In turn, the person who had killed would appeal for help from their lord, who would then act on their behalf to resolve the feud – both

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[175] Wormald, 'Bloodfeud', 97.

[176] Keith M. Brown, 'Burghs, Lords and Feuds in Jacobean Scotland', in *The Early Modern Town in Scotland*, ed. Michael Lynch (London: Croom Helm, 1986), 120.

[177] Keith M. Brown, *Bloodfeud in Scotland, 1573-1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh: John Donald, 2003), 267.

lords consulting with each other and acting to restore order. The vital component in this process of restoration, and of reconciliation between the parties, was an offer of appropriate compensation – or assythment – made by the one who had killed. Here 'what mattered was not the punishment as retribution or deterrent, but reparation in a form which would as far as possible restore the *status quo* which the crime had upset.'[178] Subject to the acceptance of the offer by the wounded party, and subsequent to the assythment being paid, a letter of slains would be issued to the guilty party by four branches of the deceased's kin: two on the father's side and two on the mother's. This letter was a formal statement that assythment had been made and that the matter was now at an end.[179]

When a settlement was reached, often a very public demonstration of reconciliation followed, showing to the wider community that peace had been effected. This public demonstration also proved to be a useful deterrent from re-offending; the eyes of the entire community were watching. Wormald recounts the reconciliation ceremony between the Montgomery and Boyd kin-groups. Robert, Lord Boyd had murdered Neil Montgomery in 1547. In a contract dated 10 February 1561, the dispute was finally settled by their sons. As part of the reconciliation process, both parties were to go to Irvine, where the original offence had occurred fourteen years previously. Taking up the story, Wormald notes that:

> there, at the market cross or church, Boyd and his associates would "humbly for God's cause implore and seek the said remit and forgiveness for the said offence .. . in plain audience of the people, and there upon their knees ... ask God forgiveness ... and shall offer to the said Neil a naked sword by the point, in token of their repentance from the bottom of their hearts". This being done, and, more prosaically, eighteen hundred merks assythment having been paid, Neil gave Boyd his letter of slains.[180]

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[178] Wormald, 'Bloodfeud', 74.

[179] Wormald suggests that the term 'slains' is a derivative of the Irish *sláinte*, implying health and wholeness, and within this particular legal context gives the overall sense of freedom from liability. Given that a letter of slains named the kindred of the deceased, but did not name the offender, there was also the implicit freedom from an ongoing vendetta. As the process was concerned with relational restoration, it would not be stretching Wormald's theory to suggest that the term 'slains' also had within it an underlying sense of the now healed and whole relationship. Wormald, "Bloodfeud," 62.

[180] Wormald, 'Bloodfeud', 87. See Boyd papers GD/8/167.

Here, in gesture and in word, rituals were enacted with which both players and audience were well-acquainted, and which had been employed prior to the Reformation.[181]

The Boyd kin appear to have been particularly active when it came to pursuing justice in the feud.[182] In a series of documents concerning the Boyds and the Muirs, dated from 1574 to 1587, the process involved in pursuing justice in this manner can again be seen. John Muir of Weill had been killed by James Boyd. The initial agreement involved Lord Robert Boyd offering a payment of £233 6s 6d as compensation to Muir's widow, through an intermediary acting on behalf of the family, another John Muir of Rowallan. The matter appeared to have arisen again in 1587, and a further sum of money, 340 marks, was paid to the Muirs by Boyd. Hoping to prevent discord passing to the next generation, John Muir and Robert Boyd agreed to convene, bringing Robert Muir and James Boyd [and Boyd's accomplices] together to sign a bond of friendship.[183]

As can be seen by comparison with the earlier discussion on rituals of reconciliation involving the Kirk, the feud reconciliation rituals described above use almost precisely the same rituals: all sections of society understood the symbolism within the words and gestures. Added to the drama was the use of props, generally symbolising the offending instrument. In 1576 an Edinburgh burgess, Thomas Moffat, was killed by two of Lord Livingston's men. Following the prescribed custom, the deceased's kin - Moffat's younger brothers Robert and John – proceeded to make their accusations concerning the crime. Livingston, taking responsibility for the crime on behalf of his men, offered to provide Thomas' widow and children 700 marks and to infeft Robert in some of his own lands.[184] Having made assythment,

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[181] See Section One on dispute settlement within the Guild of the Perth Hammermen, 62ff.

[182] See Boyd papers GD8/248, 343, and 344. The Boyd papers have recurrent references regarding bonds and disputes. See also GD8/177 and 159, both bonds of mutual assistance. The former was made in 1563 with Hugh, Earl of Eglinton, for the preservation of amity that had existed between their respective fathers. The latter was made in 1557 with Mary of Guise for mutual assistance. See also, GD8/167 and 170, concerning a dispute with the Montgomerys and subsequent letter of slains in which the agreed assythment was exile of the offenders.

[183] Lord Boyd was a client of the fifth Earl of Argyll, as was John Muir.

[184] DOST defines infeft as 'to invest (a person) with heritable property.'

Livingston brought his men to Glasgow, where the reconciliation ritual was performed. There they offered the point of their sword to the Moffat brothers in an act of homage and penitence.[185]

Along with props, the act of eating and drinking together could also feature within the feudal reconciliation ritual. Eating together was seen as a sign of friendship; it was also packed with the underlying religious symbolism of the eucharistic meal. Upon reaching his majority in May 1587, James VI famously assembled his nobles, and, having entreated them to live at peace with one another, enjoined them to feast together at a banquet. If his nobles had not at this point got the message that James was conveying, they were further required to process solemnly in pairs from Holyrood to the Mercat Cross. This came with the additional conciliatory gesture of holding each other's hand as they did so. Upon reaching the Cross, James then drank their health and, in turn, his nobles drank to each other's – all this, while being serenaded by the blast of castle cannons and under the watching eyes of the good people of Edinburgh.[186] Even as late as 1592, the King supported the use of private dispute settlement. Noting a bond of manrent given as an assythment for slaughter, James commented that it was 'ane necessary and guid caus viz ... for keeping the parties in perpetuall quietnes.'[187] Royal duty also demanded that the king was obliged to provide justice on behalf of those who were without kin. Further, pardons were only deemed valid when compensation had been made.[188] The Crown also benefitted financially from the practice of feud settlement, taking a share of the compensation for the disturbance of the king's peace.

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[185] RD 1/15, Register of Deeds, First Series, 2 Feb 1576-Feb 1577.

[186] David Harris Willson, *King James VI and I*, (London: Jonathan Cape, 1963), 96. Just outside of the time period of this study, a decree arbitral dated November 1618 records the following public reconciliation ritual. Sir Alexander Gordon of Navidale was to bring all those accused of wounding James Ross son of the late Donald Ross of Balmurchy to be reconciled before 1 May 1619. Within the sacred space of the church, under the watchful eye of God and the crowd of witnesses both living and dead, swords were to be received by their points, and forgiveness was to be symbolised by the shaking of hands and drinking together. The record states that they were to 'cum to the toune of tayne and yr in the kirk solempnlie Delyver to the said James yr swordis be the poynt with all ceremonies requisit and yr in token of yr hartlie forgeving ane to ane vyr to shak hands and to drink togidder.' See *The Sutherland Book. Memoirs*, vol. 2, ed. William Fraser, (Edinburgh, 1892), 147. NAS DI 62/6 f.20v-1v, 57v-59v, 74r,-78r. 6 Mar 1619.

[187] Wormald, 'Bloodfeud', 85.

[188] This will be discussed further in the following section on excommunication.

Brown, assessing the success of private feud settlement, observes that:

> the feud remained a powerful and useful tool for those who governed and lived in the burghs, its language universal, its violence tolerated and its justice seen as an effective means of restoring peace.[189]

However, with an eye on England and his potential future, James VI would later seek to move away from the justice of the feud to demonstrate that his country no longer participated in such uncivilised customs, or at least that he certainly did not approve of them. Underlining his wish to eradicate the practice of feuding in Scotland, on 29 June 1598 James legislated on the matter in the 'Act anent removeing and extinguischeing of deidlie feidis.' The said Act finished rather robustly:

> And to the intent thir present articles may haif the better effect and be the mair willinglie embraceit be his majesties haill subjectis, his hienes, of his proper motive and gratious inclinatioun to justice, quyetnes and weill and of his peopill, solempnitlie declairit and faythfullie promittit in presence of the said conventioun that for slauchter and uther odious crymes to be heirefter committit his hienes sall grant na respett, remissioun, pardoun or ovirsycht at ony tymes heireftir albeit the pairties transact and agrie amang thame selfis till the inveterat and dampnable custume of the saidis heynous crymes be ruittit out and altogidder suppresst.[190]

The justice in the feud was not entirely 'suppresst' for another decade. The passing of the Act did, however, drive home the point that the days of private justice were at an end; in future, lords and their parties were to seek justice through the Crown by means of the Court of Session.[191]

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[189] Brown, 'Burghs, Lords and Feuds', 120.

[190] *RPS*, 1598/6/2, http://www.rps.ac.uk/mss/1598/6/2. Date accessed: 17 May 2012.

[191] Anna Groundwater claims that 'by the 1590s the private settlement of dispute was deemed no longer acceptable as the crown began to draw judicial processes within its remit. Nobles, heads of surnames and lairds were encouraged to bring their disputes, or those of their affiliates, to Edinburgh for arbitration by the court of session or in some cases by the privy council. Theoretically at least, arbitrations could then be imposed by the crown, either directly at council or through a warrant sent to the local sheriff or through holding a cautioner accountable for his charge.' Anna Groundwater, *The Scottish Middle March, 1573-1625: power, kinship, allegiance*, Royal Historical Society Studies in History (London: Royal Historical Society, 2010), 128–129. While conceding that the Borders were a special case, Groundwater's claim is useful here to demonstrate the wider principle of the move away from private dispute settlement.

Regardless of the changing attitudes of the monarch, and the practices of the nobles, the Kirk had both scriptural and theological objections to the custom of feud.[192] The taking of a life violated the sixth commandment, and was thus deemed to be a capital offence by the Kirk. The giving of a pardon, therefore, was in clear contradiction to scripture: a life demanded a life. Calvin, discussing the sixth commandment, stated that 'all violence, injury, and any harmful thing at all that may injure our neighbour's body are forbidden to us,' further adding that:

> man is both the image of God, and our flesh. Now, if we do not wish to violate the image of God, we ought to hold our neighbor sacred. And if we do not wish to renounce all humanity, we ought to cherish his as our own flesh.[193]

In this Calvin, and reformers such as Knox, held to a dual hermeneutic when it came to understanding how to follow the will of God completely – there was both a negative and positive context to obeying God.

Dawson observes that 'it was not enough to abstain from what was forbidden, the hidden positive implication of a command must also be obeyed.'[194] Merely refraining from killing one's neighbour was not a complete demonstration of obedience to God, although it did rather make a difference to the neighbour. Full obedience to the command meant actively seeking 'to help one's neighbour to live as full a life as possible.'[195] This 'positive' interpretation of obedience to God's will was the practical outworking which enabled, as Calvin noted, the cherishing of one's

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[192] Deut. 32:35 'Vengeance is mine, and recompense, for the time when their foot shall slip; because the day of their calamity is at hand, their doom comes swiftly.' Rom 12:19 'Beloved, never avenge yourselves, but leave room for the wrath of God; for it is written, 'Vengeance is mine, I will repay, says the Lord.' Heb. 10:30 'For we know the one who said, 'Vengeance is mine, I will repay.'

[193] Calvin, *Institutes 1*, 2.8.39, 404.

[194] Jane E. A. Dawson, 'Trumpeting Resistance: Christopher Goodman and John Knox', in *John Knox and the British Reformations*, ed. Roger A. Mason, St. Andrews studies in Reformation history (Aldershot: Ashgate, 1998), 136. This dual hermeneutic was employed to devastating effect by Knox's friend and colleague Christopher Goodman in his book *How Superior Powers Ought to be Obeyed*. Goodman argued the case for a proactive resistance against ungodly rulers whilst simultaneously cutting 'the Gordian knot' regarding the interpretation of Romans 13, the key scriptural text advocating obedience to authority – this by 'denying the basic assumption that all powers were ordained by God.' See Jane E. A. Dawson, 'Resistance and Revolution in Sixteenth-Century Thought: the case of Christopher Goodman', in *Church, Change, and Revolution: transactions of the fourth Anglo-Dutch church history colloquium*, ed. Johannes van den Berg and P. G. Hoftijzer, Publications of the Sir Thomas Browne Institute Leiden new ser., no. 12 (Leiden; New York: E.J. Brill, 1991), 74.

[195] Dawson, 'Trumpeting Resistance,' 136.

neighbour. Given the requirement to love one's neighbour, violence and vengeance were singularly inappropriate, as was the seeking after private justice; the latter was to usurp God's role and to 'leave no place for the help of God.'[196] In this, 'the Calvinist censure of private violence gave a new militancy to the church's traditional peacemaking role in Scotland.'[197]

Ironically, the Kirk's requirement that all attend worship created a situation in which those involved in feuding were given the perfect opportunity of both a specific time and a specific place for a potential encounter and furtherance of their feud. The *RPC* records the slaying of a David Taylor in the Stow churchyard by John Hoppringle of Muirhouse in 1591. The 'remnant kin and friends' of Taylor, providing an account of what had transpired, stated that they had been 'heiring the sermone,' after which they went into the churchyard 'lyppynning for na trouble.' They were approached by a group of twenty-four people, including Hoppringle who:

> maist aufullie invadit and persewit the saidis complenaris of thair lyveis, cruellie and unmercifullie slew the said umquhile David Tailliour, and hurte and woundit the said Richard Hereot in the face, to the effusion of his blude in grite quantitie.[198]

No record of either feud or church reconciliation rituals exist for this particular churchyard stramash.

Feuds could also interfere with the performance of repentance. An entry from the Stirling Presbytery Records dated 11 April 1587 notes the case of Thomas Murdochsone who had been accused and found guilty of adultery with Euffame Waltir.[199] Murdochsone had been required to attend the meeting of synod, held in Dunblane; he had failed to do so. The minute notes Murdochsone's reason, namely,

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[196] John Calvin, *Commentaries on the Epistle of Paul the Apostle to the Romans*, trans. John Owen (Edinburgh: Calvin Translation Society, 1849), 473–474.

[197] Brown, *Bloodfeud*, 185.

[198] *The Register of the Privy Council of Scotland, [1545-1689]*, vol. iv, eds. John Hill Burton et al, (Edinburgh: H.M. General Register House, 1877), 574–575. It was normal practice for weapons to be left outside, or not carried into church; the attack was possibly carried out upon unarmed people.

[199] The full account, from which the following extracts are taken can be found in *Stirling Presbytery Records 1581-1587*, ed. James Kirk, Scottish History Society 4th series v. 17 (Edinburgh: Scottish History Society, 1981), 246–247.

involvement in a feud and the difficulties concerning the location of the synod, which was:

> swa neir to Mentayth, quhair the men of Mentayth hantis oft tymis berassone of the dedlie fed that remanis betuix the Grahamis in mentayth and him as ane freind to the laird of Lecky, and thairfor desyrit that his absence fra the said synnodall assemblie sould nocht be hauldin disobedience, and that quhatsoevir the brethrein wald injone for the said offence, the said Thomas and Euffame promesit to obey the samin.

The feud appeared to be well known to those in presbytery, and Murdochsone was not punished further for his absence, but asked to attend the following synod, which was to be held in Stirling – a safer location. This did have the effect of drawing out Murdochsone's repentance somewhat, given that synod was not scheduled to meet until the first Tuesday in October, although a concession does appear to have been made. In the months leading up to their appearance at synod, Murdochsone and Waltir were to make their repentance in the parish church of St Ninian every Sunday in their own clothes. As noted above, both parties had been found guilty of committing adultery, deemed a crime worthy of death. The wearing of their own clothes, given the offence, appears to be a rather lenient requirement. In light of the lengthening of their period of repentance due to the extenuating circumstances perhaps some leeway was given. Both parties were subsequently expected to attend synod dressed in linen as a sign of their repentance and humiliation.

Fuelled by the perceived effect that feuds had upon the everyday life of Scots, and upon the effective performance of discipline, the General Assembly, in 1576, stated that 'it is heavily deplored and lamented by certain of the godly brethren that the country, in all quarters therof, is miserably divided into factions and deadly feud.'[200] The record continued by noting how the practice of feuding affected the godly who, too afraid to attend church, were unable:

> to hear the word of unity preached, nor to receive the sacrament and seals of their salvation; whereof rises a shameful and insufferable scandal to the Kirk of God and His true religion within this realm.

[200] The full account from which the following extracts are taken is from *APGA 1*, 429–430.

Resolved to put an end to this state of affairs, the Assembly encouraged visiting superintendents to 'zealously endeavour themselves and travail with parties, to reduce and bring them to a Christian unity and brotherly concord, as becomes the brethren and members of Jesus Christ.' They were to continue in:

> exhorting them, as they care for the salvation and the weal of their own souls, to be in hearty concord one with another, that the blessing which is pronounced for the peaceable may be imparted and given to them; and the scandal and offence arising to the Kirk, through the occasion of their ungodly factions, may be cut off and removed.

Addressing the problems that disharmony brought, the St Andrews Kirk Session stated that 'without concord cherite luif and amite be amangis the membris of Jesus Christ in ane congregatioun, unpossibill it is that godlines be mentenit or discipline execut.' In a more pragmatic vein, the record also notes that those underlying ecclesiastical discipline in the face of the congregation should not 'cum to the stuill of repentans armit with sowrd nor gun.'[201]

The desire to maintain a harmonious community, as well as ensure access to the Lord's Supper, brought about some creative thinking on the part of the Perth Kirk Session. In a minute dated 7 October 1585 the session attempted to create a general principle out of a specific case, this in relation to unresolved disputes.[202] If one party demonstrated a willingness to reconcile, but the other remained unmoved, access to communion was to be granted to the willing party. The resistant party, meanwhile, was to be 'repellit therefa and excommunicat for thair disobedience.' The case addressed in the minute concerned a dispute over money between Patrick Ray and Robert Blackwood and, through the mediation of the session, resolution was effected. Upon an acceptable sum of money being exchanged, Ray and the minister, John Hewson, raised a cup ceremonially and drank to Blackwood's health. In this ritual, both the symbolism of drinking in friendship and echoes of the communion cup were in evidence. In order for full reconciliation to be reached, the other members of the Ray party, Andrew and Gilbert, were to be found and do the same in the sight of the minister.

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[201] *RStAKS 2*, 810–811.

[202] *Perth*, 324.

In assessing the effectiveness of the kirk in feud mediation, we come back to the issue of social status: wealth and rank made a difference. Wormald claims that 'those on whom the church imposed its discipline were not, on the whole, those involved in the justice of the feud,' further noting that 'it was lairds and burgesses, not the nobles who sat on the local church courts.' [203] If nobles did condescend to appear before the local kirk session, the power dynamic was fascinating. On 24 and 31 July 1593, the *Stirling Presbytery Register* records another feud in the churchyard after the sermon:

> the brethrein calling to memorie that revenge done be A[lexande]r Stirling of keir utheries his co[m]plicis upon the sabbot[h] day immediatlie aftir sermond for the slawchter of umq[uhi]ll James Stirling his brother be slaying of umq[uhi]ll w[illia]m sinclair of galdwalmoir Edward and George Sinclaris his sons quhairby god is disnonorit and ye kirk sclanderit.[204]

Appearing before the Session on 31 July, Stirling claimed that the killing had occurred while he was either not present or looking the other way at the exact moment of the slaying. He further stated that his servants had killed Sinclair. Reading further along the record, Stirling had agreed that those who had killed Sinclair would be taken to the civil courts and that justice would be pursued there. Upon stating this, Stirling then asked for his baby to be baptised, to which the session agreed. The incident raises questions as to just who held the power in this exchange.

In a service at the Edinburgh Kirk on 9 November 1589, equality before God was, however, shown in a highly visible demonstration of repentance and reconciliation made by Francis Stewart, Earl of Bothwell, for the shedding of blood. After the minister, Robert Bruce, had finished preaching, he addressed the congregation from the pulpit and informed them of Bothwell's readiness to repent and that the confession was freely made. Bruce further noted that such was the depth of Bothwell's repentance that, although he had been permitted to perform his repentance in his own church:

> for the better satisfaction of you that are indwellers of this city, he is content, in this chief part and kirk of the country, and in that same

[203] Wormald, 'Bloodfeud', 94.

[204] CH2/722/2/303-305.

> place where he shed last innocent blood, to repair to the same, and in presence of you all, to seek that God of heaven and mercy.[205]

Bothwell 'humbled himself on his knees in the Little Kirk before noone, and in the Great Kirk after noone.'[206]

Making his confession before the congregation, Bothwell 'wished that he could utter all that was in his heart, and prayed the people to pray for him.'[207] In the course of confessing he noted his 'licentious and dissolute life' and, highlighting his desire to reform his ways, 'promised to prove another man in tyme comming.'[208] The confession was full and frank and not only contained an expression of sorrow for the shedding of blood, but also:

> for taking the name of God in vain, and for everything wherein he hath abused himself, and for all his offensive and rash speeches; and, generally, for everything wherein he hath offended the least of you.[209]

Seemingly gifted with the ability to cry on cue, Bothwell demonstrated the authenticity of his repentance with tears, and said to the congregation that 'he wished God would perswade them all of his repentance, as God had perswaded him, and so knitt him to the hearts of manie.'[210] This latter part of Bothwell's speech acknowledged the context of divine and communal reconciliation; as God had worked in his heart, so the congregation were to open their hearts and allow him to be counted amongst the faithful once more. Bruce's sermon and the restorative effects of repentance appear to have been lost on Bothwell. With glorious understatement, Diarmaid MacCulloch notes that Bothwell 'did rather take the shine off the day's proceedings by raping the daughter of the late Earl of Gowrie after he had left St Giles Kirk.'[211]

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[205] Bruce, *Sermons*, 366.

[206] Bruce, *Sermons*, 343.

[207] Calderwood, *History*, 68.

[208] Calderwood, *History*, 68.

[209] Bruce, *Sermons*, 366.

[210] Calderwood, *History*, 68.

[211] Diarmaid MacCulloch, *Reformation: Europe's house divided 1490-1700* (London: Allen Lane, 2003), 600.

The Kirk, while perhaps not making a huge impact as a mediator between feuding kin, did over time attempt to influence the manner in which feud should be perceived. More difficult to gauge is whether or not the Kirk influenced the mentality of the nobility over the longer term, as Brown suggests.[212] As a religion of the Word, it took and reshaped the language of feud and kinship, and reclaimed it for its own. If God was 'father,' and those within the body of Christ were God's children, all were brothers and sisters, united in a spiritual kinship that superseded the ties of earthly kin and notions of status. In a sermon from February 1589 reflecting upon the Lord's Supper, Robert Bruce touched upon God's justice as compared with human justice. Using as his text 1 Cor. 11:23, Bruce exhorted his hearers to be bound 'not by ane carnall band of blodd or allya' but 'by ane spirituall band.'[213]

This theme was revisited in the sermon Bruce preached at the time of Bothwell's repentance; the text used at this later occasion being 2 Tim. 2:22. Addressing his congregation, and referencing the noble penitent in the midst of them, Bruce stated:

> let no community of name, ally, proximity of blood, or whatsoever it be, move you to pervert justice, but let every man be answered according to the merit of his cause. Except these affections that accompany great men be removed, no question, ye must pervert that place. Let no thief pass because he is your servant, nor the murderer because he is your kinsman, nor the oppressor because he is your dependar: Therefore in time lay them aside, and let the execution declare that no man is spared for feed or favour.[214]

Pledged to God's service as the Lord above all lords, here was the bond of manrent being made to fit divine purposes. In humanity's 'feud' with God, 'the cross was a divinely appointed assythment in which Christ had paid the price of God's justice.'[215] For the sinner reconciled to God, to seek justice was to seek out God: to partake in the justice of the feud was to put oneself above God. From his pulpit Robert Rollock cried out that 'the King of heaven will not have any to usurp his authority,' and

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[212] Brown, *Bloodfeud*, 206.

[213] Bruce, *Sermons*, 66. The text referred to narrates the institution of the Lord's Supper.

[214] Bruce, *Sermons*, 355.

[215] Brown, *Bloodfeud*, 194.

insisted upon the responsibility of the Christian who had entered into a band with God from the time of their reception into the Kirk.[216]

Writing almost a generation after the implementation of Protestantism as Scotland's national religion, minister and diarist James Melville aptly summed up the important part that discipline played in the overall process of the Scottish Reformation. He noted:

> Discipline was maist necessar in the Kirk, seing without the saming, Chryst's Kingdome could nocht stand….without sum discipline, na Kirk without trew discipline, na rightlie Reformed Kirk; and without the right and perfyt discipline, na right and perfyt Kirk. [217]

In the effort better to reflect 'true' discipline, the drama of discipline was rationalised and re-shaped by Protestants. The buffet of penitential options on offer prior to 1560 was whittled down to a more simplified and uniform system of penance. What had also been played out in a more dispersed manner was now moved more obviously centre-stage within the midst of the worshipping community. Through a more simplified and centralised disciplinary drama devoid of liturgical 'clutter' reformers hoped to put into clearer focus the purpose, and need for, the theatre of reconciliation and to build the 'perfyt Kirk.' As a result, discipline served to ensure good order liturgically and generally. The disciplinary programme aimed to preserve the sacraments from being profaned, encourage the community to godly piety, and demonstrate by good and godly living the authentic face of the church to a watching, godless world.

Concerning the latter, Melville's statement could be taken a further step: if there were no true and perfect Kirk, there would also be no good and godly nation. Tied in

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[216] Robert Rollock, *Select Works of Robert Rollock*, vol. 2, ed. William M. Gunn (Edinburgh: Wodrow Society, 1844), 89. The latter sermon, based on 1 Cor. 2, stated that: 'Fra time thou enters in the Kirk of Christ, thou enters in bandes ... Brethren this band that Paull spekis of in this place, it is sweit bandthe band of the love of Christ, and it bindis thee sweitlie and lovinglie to discharge they dewty to God: and al thy dewty be this band is voluntarie, and he quha is bund with this bund, wil rejoice mair to be callit ane fule for Christis saik, nor to be esteimit ane king upon the eirth. But thou mon tak tent quhair this band is that bindis thee, that it may leid thee to do thy dewty willingly.' Robert Rollock, *Select Works of Robert Rollock*, vol. 1, ed. William M. Gunn (Edinburgh: Wodrow Society, 1844), 348.

[217] James Melville, *The Autobiography and Diary of Mr James Melvill*, ed. Robert Pitcairn (Edinburgh: Wodrow Society, 1842), 280.

closely with Knox's understanding of reform was an understanding that Scotland was the new Israel, under covenant with God. This favoured position came with rights and responsibilities; an obedient nation was a blessed nation, but disobedience had the potential to unleash unimaginable woe upon the land. To avoid the woes and worries that came with disobedience, only the performance of disciplinary drama on a corporate scale would suffice.

Section Three/

Reconciling the community: calamity, covenant, and corporate repentance

Prelude

> 'Therefore also now the Lord saith, Turne yow unto me with all your hart, and with Fasting, and with weaping, and with murning.'[1]

It is a question as old as humankind itself, perennially troubling and perennially demanding an answer: what happens when bad things happen to good people?[2] For sixteenth century Scottish Protestants, self-identified as the 'new Israel', a further question could be added: what happens when bad things happen to God's people? As they read their bibles and observed the journey of the people of Israel with God, Scottish Protestants understood implicitly that human action could bring about either God's blessing or God's wrath at both a personal and a wider level. Good harvests, good health, peace and good government were viewed as signs of God's pleasure and were rewards for faithful living. Conversely, crop failure, plague, natural disaster, war and weak government were signs of God's displeasure and of a fractured relationship due to faithless living. To restore the damaged relationship with God, and avoid further calamity, a specific ritual response was required; that response was found in the performance of communal fasting and is the focus of Section Three of the disciplinary drama. Chapter Six considers the Scots' identification of themselves as the new Israel and their understanding of what a covenantal relationship with God entailed. Turning the spotlight on the liturgical performance of fasting, Chapter Seven analyses the official script provided by the General Assembly, *The Order of the General Fast*. Written for a specific time and set of calamitous circumstances in 1565-6, it became the template for corporate penitential fasting at national, regional and local level, to be utilised by the chosen people of God when disasters arose. It was a spiritual tool used by the new Israel to repent corporately, and through which to avoid God's wrath and ensure God's continued blessing.

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[1] From Joel 2:12, on frontispiece of Knox, *Fast*, 392.

[2] The phrase is a deliberate nod to the book by Harold S. Kushner, *When Bad Things Happen to Good People* (London: Pan, 2002).

Chapter Six/ Blessings and woes: covenantal responsibilities and the providence of God

> We confesse and acknawledge ane onlie God, to whom only we must cleave, whom onlie we must serve, whom onlie we must worship, and in whom onlie we must put our trust.[3]

Although a conventional way in which to begin a confession, Article One of the 1560 Scots Confession of Faith encapsulated succinctly the contractual responsibilities that Scottish Protestants were obliged to undertake as part of their identification of themselves as the new Israel.[4] As God's chosen people, confession of, and cleaving to, God came with the promise to serve God; it required total obedience to God's law. Further, the requirements of obedient service included worship of, and placing complete trust in, God and the forsaking of all other gods, echoing the opening section of the Ten Commandments.[5] Read and ratified by the pro-Protestant Scottish Parliament of 1560, the acceptance of the Confession meant that, in the minds of Reformers like Knox, Scotland had become a nation under covenant.[6] Bound to this

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[3] *Scots Confession*, Article One, 27.

[4] For the term 'covenantal' and its use in this study, see the introdution to the thesis, 4, n.9. The concept of covenant as a type of contract is used loosely here with the acknowledgement that the subject of covenant ideas and federal theology has been the focus of much discussion. Some of the works exploring this area include: J. Wayne Baker, *Heinrich Bullinger and the Covenant* (Athens: Ohio University Press, 1980); Jane E. A. Dawson, 'The Two John Knoxes: England Scotland and the 1558 Tracts', *Journal of Ecclesiastical History*, 42 (1991): 555–76; Richard L. Greaves, 'John Knox, the Reformed Tradition, and the Development of Resistance Theory in *The Journal of Modern History*, Vol. 48, No. 3, On Demand Supplement (Sep., 1976), pp. 1-36, The University of Chicago Press, http://www.jstor.org/stable/1878808, date accessed 16/01/10; Richard Kyle, *The Ministry of John Knox: Pastor, Preacher, and Prophet*, (Lewiston: Edwin Mellon Press, 2002); W. Stanford-Reid, 'John Knox's Theology of Political Government', in *The Sixteenth Century Journal*, vol. 19, no. 4 (Winter, 1988): 529-540; Charles S. McCoy and J. Wayne Baker, *Fountainhead of Federalism: Heinrich Bullinger and the Covenantal Tradition* (Louisville: Westminster/John Knox Press, 1991); Stephen Strehler, *Calvinism, Federalism and Scholasticism: a Study of the Reformed Doctrine of Covenant*, Basler und Berner Studien zur historischen und systematischen Theologie 58 (Bern: Peter Lang, 1988); James B. Torrance, The Covenant Concept in Scottish Theology and Politics and its Legacy', Scottish *Journal of Theology* 34 (1981): 225-243; James B. Torrance, 'Covenant or Contract? A Study of the Theological Background of Worship in Seventeenth-Century Scotland', *Scottish Journal of Theology* 23 (1970), 51-76; D. A. Weir, *The Origins of Federal Theology in Sixteenth-Century Reformation Thought* (New York: Oxford University Press, 1990).

[5] Exodus 20:1-5: "I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery; you shall have no other gods before me. You shall not make for yourself an idol, whether in the form of anything that is in heaven above, or that is on the earth beneath, or that is in the water under the earth. You shall not bow down to them or worship them."

[6] However, while the Confession of Faith may have been approved by the Parliament, it was never approved by Mary Queen of Scots.

was the understanding that not only ecclesiastical, but also civil government was expected to obey God's law as revealed in the bible.

The latter half of the first statement of the Confession affirmed God's role in the world as both its Creator and Director whilst simultaneously providing good reason for the obedience of both the nation and its people:

> all things in heaven and earth, visible and invisible, to have been created, to be retained in their being, and to be ruled and guided by His inscrutable providence for such end as His eternal wisdom, goodness and justice have appointed, and to the manifestation of His own glory.[7]

In this manner, the covenantal contract was viewed, in effect, as a straightforward agreement between two parties – God and the people of God – which resulted in either reward or punishment depending on behaviour. Put in black-and-white terminology, obedience to God's law resulted in God's blessing while, conversely, disobedience resulted in God's wrath. Embedded deep into the covenantal context was an understanding of God as divine Judge and Lawgiver, righteous, wrathful and merciful in equal measure and directly engaged with the world and its people.

This providential view of God was summed up by Knox in 1559, in a discussion concerning predestination. He concluded that 'God's Providence we call that soverane empire and supreme dominion, which God alwayes kepeth in the governement of all thinges in heaven and earth conteined.'[8] Also embedded within the concept of covenant was the recognition of relationship with this divine Judge and Ruler. To be in covenant with God was to be in an ongoing conversation: God spoke in blessings and woes, and the people of God answered either by praise or by penitence. As Todd observes: 'God spoke in famine, war, tempest and plague – direct divine judgements – or more positively in good harvest; both required answers from the kirk, in repentance or thanksgiving.'[9]

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[7] *Scots Confession*, 27.

[8] Knox, *Works 5*, 35.

[9] Todd, *Culture*, 342.

The concept of covenant was one which particularly suited Scotland, fitting in well with a feudal, kin-oriented society used to agreements in the form of bonds of manrent between greater and lesser parties.[10] Jenny Wormald, commenting on the nature of these agreements, notes that these were contracts of:

> mutual support or, in the great majority of cases, by lords and their men binding themselves to protect and serve one another: contracts of friendship and bonds of maintenance and manrent.[11]

Wormald demonstrates how this arrangement worked within a cause-and-effect context using the powerful Clan Campbell. Those who sought protection under the Campbells were required to 'support their friends and adherents; and the sweeteners offered in the form of assistance in both general and specific circumstances were balanced by the threat to withdraw protection.'[12] For sixteenth century Scots making the links between cultural and religious spheres, the concept of covenant as a divine bond of manrent would have had obvious parallels. Both featured loyalty and service on behalf of the lesser party, and conversely, the protection and friendship provided by the greater. In the case of the covenant, however, the twist was that the 'greater' party was God, who could defeat enemies or bring calamity on those who demonstrated disloyalty by disobeying the Law.

Writing a letter addressed to the faithful living in England at the time of the Marian persecution in 1554, Knox provided a description of covenant which could be seen in similar terms to a bond of manrent. Knox, in pastoral mode, and aware of the potential dangers that his readers were facing, emphasised the positive side of being in a covenant relationship with God. He observed that as long as the readers of the letter remained faithful, God would be their 'safeguard' and would shelter them from harm:

> the league betuixt God and us, that communicat with us of his graces and goodness; We sall serve him in bodie and spreit: He salbe oure saifgard frome death and dampnatioun; We sall seik to him, and sall flie frome all strange Godis. In making whilk league, solemnedlie we

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[10] See Section Two, Chapter Five concerning bloodfeud, 124ff.

[11] Jenny Wormald, *Court, Kirk, and Community Scotland 1470-1625*, The New history of Scotland (London: Edward Arnold, 19), 30.

[12] Wormald, *Court*, 34.

> sweir never to haif fellowschip with ony religioun, except with that whilk God hath confirmit be his manifest Word.[13]

The repeated use of the term 'we' emphasised the sense that being in covenant relationship with God was a corporate endeavour. This corporate context was brought out further on in the letter, with Knox stating 'that of one bodie their must be one law; sa that whatever God requyreth of one, in that behalf, he requyreis the same of all.'[14] In this manner, the logical inference seemed to be that when calamity struck all were required to repent.

The view that God's displeasure could be evidenced by calamitous events was not unique to Protestants but was also a way of understanding the world prior to the Scottish Reformation. The church in Scotland before 1560 also understood that God intervened directly in the world and that when calamities occurred a penitential response was the appropriate manner by which to appease God. Observing the communal context of this response, Audrey-Beth Fitch notes that:

> in the late Middle Ages, community had everything to do with religious outlook and spiritual success, for the sins of one segment of the community could bring God's wrath down upon the whole nation.[15]

This response included a range of propitiatory rituals such as the praying of extra Masses by priests acting on behalf of the people. It also relied upon individuals praying to the Virgin Mary and to the great company of saints in heaven, whose purpose it was to intercede on behalf of God's people on earth.

After the Reformation, and with the former penitential structures dismantled, a new structure was required by which to demonstrate to a watching, wrathful God appropriate contrition and repentance in the hope of avoiding further calamities. In contrast to the former methods of staving off God's wrath performed by members of the community in diverse ways and in a variety of locations, the re-formed response to calamity became a more overtly corporate act. Through the decluttering of ritual

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[13] Knox, 'A Godly Letter to the Faithful in London', in Knox, *Works* 3, 190–191.

[14] Knox, *Works 3*, 191.

[15] Fitch, *Search*, 4.

options by a move to one communal ritual performance, and by locating that performance in the church building, the response to calamity was firmly placed centre-stage, with a covenantal context as its foundation.

As the self-identified spiritual heirs of Israel, Scottish Protestants were fully aware of the penitential mechanisms utilised by their spiritual ancestors, mechanisms which also identified them as God's chosen people. Turning their bibles to Leviticus 16, Protestants read of the covenantal requirement for the 'old' Israel to undergo a national day of repentance on the Day of Atonement. It was a day in which Israel realigned itself with, and reconciled itself to, God and in which the act of fasting was a core component.[16] Further, the fortunes of Israel appeared to change according to the measure of obedience shown by its people. To be in covenant with God demanded obedience to God's law; obedience brought blessing and disobedience brought disaster.

When disaster struck, prophets such as Joel called God's people to repent, and in doing so, provided a model which Scots would adopt as a means of regaining God's favour when calamities fell on the new Israel. It was a call to:

> blowe the trumpet in Zion, Sanctifie a fast, call a solemne assemblie. Gather the people: Sanctifie the congregacion, gather the Elders: assemble the children, and those that sucke the breasts: let the bridegrome go forthe of his chamber, and the bride out of her bride chamber.[17]

Given the Protestant understanding of the providence of God, their manner of biblical interpretation, and their identification of themselves as the inheritors of the covenant, choosing to demonstrate their contrition, repentance and reconciliation through the mechanism of corporate fasting was the obvious course of ritual action. This communal response resulted in the Kirk authorising and publishing a document

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[16] See especially Lev. 16:29 – 'This shall be a statute to you for ever: In the seventh month, on the tenth day of the month, you shall deny yourselves, and shall do no work, neither the citizen nor the alien who resides among you.' Apart from this specific national day of fasting and repentance, group acts of fasting also occurred at times as part of the ritual preparation for battle as seen in Judges 20: 26 and 1 Sam. 14: 24.

[17] Joel 2:15-16, translation given in *The Geneva Bible: A Facsimile of the 1560 Edition*, ed. Lloyd E. Berry (Peabody, Mass: Hendrickson Bibles, 2007), 369.

which incorporated both doctrine and a liturgical order for fasting, the *Order of the General Fast*, in 1566.[18] The *Fast* became the template for corporate repentance in Scotland. Subsequently, as a result of responding to a diversity of calamities in this manner Scotland was 'in the vanguard of the fasting tradition until the eighteenth century and beyond.'[19]

The injunction to use fasting as a penitential tool when faced with calamity was not unique to Scottish reformers; both Bucer and Calvin had reflected on the subject. Their work not only influenced the thinking of Scottish reformers when it came to corporate penance but also served to provide a theological basis which the compilers of the *Fast* would later utilise.[20] Bucer, writing in *De Regno Christi*, encouraged the use of corporate penitential fasting particularly 'if some calamity presses the Church,' but it was also to be used in cases where 'the Church has an opportunity to undertake something magnificent for God.'[21] What this magnificent something might be was left unspecified by Bucer but presumably it would have glorified God in some visible way and expanded the 'true' church whilst diminishing the 'false.' Providing brief instructions, Bucer directed that 'the people should be gathered in holy assembly and earnestly invited from Sacred Scriptures truly to repent for sins and pour forth prayers to God.'[22] Three biblical texts were provided: Joel 1:14 and 2:12 and 1 Cor. 7:5.[23] That fasting went beyond abstinence from food and moved

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[18] The only other such liturgical order published in regions embracing Protestant reform was also a product of the British Isles and was written, or heavily influenced, by the Bishop of London, Edmund Grindal, in 1563. Ryrie describes both Grindal and Knox as the 'joint fathers' of Protestant public fasting in the British Isles. Ryrie, 'The Fall and Rise of Fasting', 98. For the text of Grindal's liturgy see: Edmund Grindall, 'A Fourme to be used in in common payer twyse aweke, and also an order of publique fast, to be used every Wednesday in the weeke, during this time of mortalitie, and other afflictions, wherewith the Realme at this present is visited', in *The Remains of Edmund Grindal, D.D.*, ed. William Nicholson (Cambridge, 1843), 76–94. An analysis of this English order for fasting is beyond the scope of the work here.

[19] W. Ian P. Hazlett, 'Playing God's Card: Knox and Fasting,' in *John Knox and the British Reformations*, ed. Roger A. Mason, St. Andrews Studies in Reformation History (Aldershot: Ashgate, 1998), 182.

[20] In some cases this was nearly word-for-word. In enumerating the causes for fasting in the first section of the *Fast*, Knox borrowed heavily from Calvin. See Knox, *Fast*, 395, and Calvin, *Institutes 2*, 4.12.15, 1242.

[21] Bucer, *De Regno*, 254.

[22] Bucer, *De Regno*, 254.

[23] Joel 1:14 is a call by the prophet to 'Sanctify a fast, call a solemn assembly. Gather the elders and all the inhabitants of the land to the house of the Lord your God, and cry out to the Lord.' The refrain is repeated in Joel 2:12, and was used by the Scots on the frontispiece of the *Fast*. The text

into the sexual sphere is implied by the use of the text from 1 Corinthians. Bucer left his readers in no doubt, however, explicitly underlining the prohibition by noting 'on these days there should be abstinence not only from illicit pleasures of the flesh but even from permissible pleasures.'[24] Demonstrating the difference between Protestant and Catholic practices concerning penitential fasting, Bucer warned that:

> every precaution must be taken lest ceremonies which are instituted for the worship of God be twisted into blasphemy against God; we see that this has happened under the Antichrist's shepherds.[25]

This theme of 'true' repentance and 'false' repentance would also feature in the *Fast* in the first section.

Following Bucer's lead, Calvin also encouraged the use of fasting as a means by which to demonstrate repentance. While he discussed fasting as an individual demonstration of repentance, or as a tool to help focus the mind for private devotion, Calvin placed the emphasis upon fasting performed within a collective penitential context. As did Bucer, Calvin instructed that this form of repentance was to be performed at times of crisis when 'God will strike a nation with war, or pestilence, or some calamity. Under this common scourge, the whole people ought to accuse themselves and confess their guilt.'[26] Calvin underlined the connection between the breaking of God's law and the subsequent wrath of God by stating that fasting as a form of corporate repentance was:

> an excellent aid for believers today and a profitable admonition to arouse them in order that they may not provoke God more and more by their excessive confidence and negligence ... Accordingly, Christ ... does not say that fasting is abolished, but appoints it for times of calamity and joins it with mourning.[27]

Bucer uses from Corinthians is within the context of marital relations and the use of sexual abstinence as a spiritual tool, for a set period of time. It states: 'Do not deprive one another except perhaps by agreement for a set time, to devote yourselves to prayer, and then come together again, so that Satan may not tempt you because of your lack of self-control.' 1 Cor. 7:5.

[24] Bucer, *De Regno*, 254.

[25] Bucer, *De Regno*, 254.

[26] Calvin, *Institutes 2*, 4.12.15, 1242.

[27] Calvin, *Institutes 2*, 4.12.17, 1244.

Calvin's understanding of fasting as a means of corporate penance was set within a relational context. Corporate fasting reinforced the horizontal relational bonds between believers, as all humbled themselves in a group act designed to avert God's anger. It also emphasised the vertical relationship demonstrated by collective guilt as the covenant community performed a ritual of reconciliation which involved 'self-abasement before God when we wish to confess our guilt before him,' according to Calvin.[28] While there was a penitential context to repentance, the covenant community were also engaged in a corporate act of supplication. In this manner, Calvin noted, 'the Lord's wrath may be averted. For where he causes danger to appear he warns that he is ready and, so to speak, armed for vengeance.'[29] Within times of crisis, Calvin also demonstrated the role that ministers played within the covenant community: they were duty-bound to encourage those under their care to humble themselves and fast.

Within Scotland the reformers' ideal of the nation in covenant with God and the reality that not all were faithful lived in uneasy tension with one another. Evidence of this reality is seen within the text of the *Fast*. Ian Hazlett observes that the *Fast* was:

> not addressed to the nation as such. Rather it is directed to the committed core or authentic believers, the "saints", the "elect", the "little flock", on whom responsibility for the ultimate welfare of the alienated nation depends, with their true witness. [30]

While Scotland was a Protestant nation, it was less a nation of Protestants and more a nation with Protestants.[31]

In the summer of 1565, with Protestant tensions heightened by the marriage of Mary to the Catholic Henry, Lord Darnley, Knox preached what was to become his only

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[28] Calvin, *Institutes 2*, 4.12.15, 1242.

[29] Calvin, *Institutes 2*, 4.12.17, 1243.

[30] Hazlett, 'Playing God's Card', 193.

[31] Christopher Haigh, *English Reformations: religion, politics, and society under the Tudors* (Oxford: Clarendon Press, 1993), 280.

published sermon.[32] In it, Knox demonstrated his understanding of Scotland as a nation in covenant with God and the subsequent responsibilities involved within this divine bond. From his pulpit at St Giles, as he outlined how the relationship worked, Knox asked the congregation:

> Wouldest thou, O Scotland, have a King to raigne over thee in justice, equitie, and mercy? Subject thou thyself to the Lord thy God, obey his commaundements, and magnifie thou that word that calleth unto thee, "This is the way, walke into it," and if thou wilt not, flatter not they self – the same justice remaineth this day in God to punish thee, Scotlande, and thee, Edenborough, in especiall, that before punished the lande of Juda and the citie of Jerusalem ... If these calamities, I saye, apprehend us, so that we see nothing but the oppression of good men, and of all godlynesse, and wicked men without God to raigne above us; let us accuse and condempne our selves as the onely cause of oure owne miseries. For if we had heard the voice of the Lord our God, and given upright obedience unto the same, God should have blessed us, he shoulde have multiplied oure peace, and shoulde have rewarded our obedience before the eyes of the worlde.[33]

It was a classic exposition of covenantal cause and effect, the starting point of which was obedience to God, and the end point of which was the responsibility that the covenant people shouldered: if calamities occurred, the fault was placed firmly at the feet of God's disobedient and unrepentant people.

However, there was a particular difficulty that the covenant nation had to contend with in the eyes of more radical reformers: the covenant Protestant nation had a Catholic monarch on the throne.[34] For Knox and other Reformers less disposed to compromise, toleration of Mary's religion and, in particular, her private Mass, was perceived as tolerance of idolatry, and tantamount to breach of covenant promise. This brought with it the threat of calamity. Through the months of August and September the rebellion known as the Chase-about Raid was led by Mary's half-brother Lord James Stewart, in reaction to the marriage of Mary and Darnley.

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[32] On August 19, Darnley had appeared at worship in St Giles and had taken offence at the sermon. That same afternoon, Knox was ordered to abstain from preaching when the King and Queen were both present in Edinburgh. The text of the sermon was published in order to clarify what had been preached. See Knox, *Works 6*, 233-273.

[33] Knox, *Works 6*, 241-242.

[34] Scotland proved an exception to the general principle of *Cuius regio, eius religio*: the faith of the ruler being the faith of the realm.

Although Mary herself donned armour and pistols, the rebels never met her in open combat and were subsequently chased across the border into England. The loss of such a key Protestant noble as Lord James was a blow to the already anxious Protestants. Compounded with this there were persistent rumours of Catholic plans to eradicate Protestantism and the meeting of the Council of Bayonne in the late summer of 1565 only added to the alarm.[35] Given the alarming series of perceived blows to the Protestant cause, it was decided by those gathered at the General Assembly of December 1565 that the best course of action was to undertake an act of corporate repentance. The calamities were obvious signs of God's displeasure with Scotland, the new Israel.[36] Demonstrating their obedience, and to appease their God, the Assembly authorised the *Fast* to be drawn up, and corporate penance undertaken by means of a General Fast to be held in March 1566.

[35] Another cause for concern was the so-called 'false Tridentine decree'. See 154, n. 41.

[36] These 'calamities' will be discussed in further detail below.

Chapter Seven/ A liturgical template for corporate repentance: *The Order of the General Fast*

> Is not this the Fasting that I have chosen, to louse the bandes of wickednes, to take of the heavie burdings, and to let the oppressed go fre, and that ye break everie yock?[37]

Background of the *Order of the General Fast*

Authorised by the General Assembly in December 1565, the *Fast* was written in response to what had been an ongoing series of calamities, real and imagined, which, clearly for the committee appointed to investigate, displayed God's displeasure. The committee:

> returned in this session, and declared the necessity of a publict fast at this time; therfore the assembly, with one voice, ordained Mr [John] Knox and Mr [John] Craig, ministers at Edinburgh, to set out the form therof, with the exercise to be used in the same, and to cause Robert Lekprevick to print it.[38]

For those charged with compiling the *Fast*, the only way in which to restore the relationship with God and regain God's blessing was by a corporate and visible demonstration of contrition, confession, and satisfaction by God's covenant people.[39] The writers of the *Fast*, in setting out the theological justification, and practical details, for the performance of corporate repentance, provided the appropriate response of the pious when faced with calamity.

Underlying this penitential response was the understanding that through their disobedience, the covenant people of God had breached the terms of their obligation to God. This can be seen very clearly from the beginning of the document, where it states:

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[37] Isaiah 58:6, as cited in Knox, *Fast*, 411.

[38] *APGA 1*, 99. Others on the committee were John Douglas, Robert Maitland, William Christison, David Lindsay, Gilbert Garden, Thomas Macalzean and John Marjoribanks.

[39] While the document was created by a committee, the voice of Knox can be clearly heard through very Knoxian use of language and theme, and, as Ian Hazlett notes, 'Knox's is the chief recognizable spirit informing the contents.' Given this, for ease of reference, authorship will hereafter be ascribed to Knox. Hazlett, 'Playing God's Card', 189.

> the present Troubles being somewhat considered, but greater feared shortly to follow, it wes thought expedient (dearlie beloved in the Lord Jesus) that the whole Faithfull within this Realme shuld together and at one time, protstrat themselves before their God, craving of him pardone and mercy; for the great abuse of his former benefites, and the assistance of his Holy Spirite, by whose mightie opereation we may yet so convert to our God, that we provoke him not to take from us the light of his Evangel, which he of his mercie hath caused so clearly of laite days to shine within this Realme.[40]

What is also clearly evident is the driving force behind the document: the fear of the end of Protestantism.

The 'present Troubles' referred to concerned the immediate years of upheaval both in Scotland and in Europe at large prior to the writing of the *Fast*. Given the providential understanding of God, Protestants inclined to read the signs of the times with their bibles in hand could be forgiven for believing that they were staring into the face of an oncoming apocalypse. Widespread rumours of Catholic conspiracies and of Catholicism regaining confessional ground were fuelled by the onset of the French Wars of Religion in 1562 and then by the conclusion of the Council of Trent in 1563, creating great anxiety amongst Protestants.[41] Protestant fears were further exacerbated by the meetings between delegates of France and Spain at the Council of Bayonne, in the autumn of 1565. As noted above, within Scotland, Mary's marriage to Darnley and the subsequent Chase-about raid were also cause for alarm along with

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[40] Knox, *Fast*, 393. Concerning the language of covenant in the *Fast*, Dawson comments that 'the theological language and context of the Order of the General Fast was derived from the close parallels drawn between the experience of Old Testament Israel and of Reformed Scotland. Both were in a covenant relationship with God and a communally experienced disaster was interpreted as a sign of God's judgement at the people's failure to fulfil their covenant promise. See Dawson, 'Discipline', 134.

[41] That the rumours of conspiracy were widespread can be seen in what Hazlett refers to as 'Knox's false Tridentine decree.' Knox exposed an extraordinary plot, citing material which he claimed came from the final session of the Council of Trent, in which 'the godlie, and suche as abhorre the Papisticall impietie, be therewith also utterly distroyed and so rased from the face of the earth, that no memorie of them shal after remaine.' The alleged document further noted that 'all Lutheriens, Calvinistes, and suche as are of the new Religion, shall utterlie be exterminate,' before continuing with a country by country description of the impending destruction of Protestantism until 'all be exterminate that will not make homage to that Romane Idole.' Knox, *Fast*, 402. A further reference to the planned destruction of Protestantism can be seen in Knox's letter to the Jesuit, James Tyrie, in Knox, *Works 6*, 482. What causes the claim to be so astonishing is that what Knox asserted came from Trent is not mentioned in the Tridentine records at all. Hazlett raises questions concerning Knox's false quote from Trent, particularly: 'was this is scare stunt by Knox? Or was he the victim of a dark hoax?' Hazlett, 'Playing God's Card', 196.

Mary's so-called 'Catholic interlude.'[42] Quite apart from fear of Catholicism, the ever-present fear of plague, a series of poor harvests and food shortages, and an economic downturn also appeared to provide further evidence of God's displeasure.[43]

Throughout the *Fast*, and as a response to these calamities, Knox portrays a dystopian past, present and future, caused by the persistent faithlessness of the people of God. The repercussions of this unfaithfulness, and God's resulting response, are blasted out on the Knoxian prophetic trumpet: unfaithfulness caused calamity. Chief among the reasons for God's displeasure, according to Knox, was a wilful collusion and compromise with Catholicism. Knox stated 'that carnall widome hath perswaded us to beare with manifest idolatrie, and to suffer this Realme, which God hath once purged, to be polluted againe with that abhomination.'[44] For Knox, 'manifest idolatrie' was a reference to Mary's Mass and was a breach of covenant: any compromise of faith would result in the nation itself being compromised. Further, the fear of Catholicism re-emerging and re-establishing itself in Scotland also held for Knox echoes of the bloody and brutal repression of Protestantism in England under the reign of another Catholic Queen, also named Mary.

The structure of the *Fast*

The *Fast* was split into two sections. The first, and largest, section both concerned itself with doctrine and outlined specific details – when the fast was to take place, its public nature, why it was to be undertaken, and who was to be involved in the performance. Beginning with a salutation from the commissioning General Assembly 'to all that trewly professe the Lord Jesus within the same realme or els where,'[45] the *Fast*, at this point, echoes in style a New Testament epistle. The salutation further served to underline to the reader that this document was one written

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[42] See Julian Goodare, 'Queen Mary's Catholic Interlude', in *Mary Stewart: queen in three kingdoms*, ed. Michael Lynch (Oxford: Basil Blackwell, 1988), 154–170.

[43] Samuel George Edgar Lythe, *The Economy of Scotland in Its European Setting, 1550-1625* (Edinburgh: Oliver and Boyd, 1960), 17.

[44] Knox, *Fast*, 401.

[45] Knox, *Fast*, 393.

under the authority of the General Assembly and that corporate public repentance through fasting and contrition was an officially sanctioned policy.

The sense of urgency and fear which drives the document can be seen in the lack of preamble, with the writers immediately addressing the cause behind the call for corporate repentance, namely 'the present Troubles', and then setting the date when the exercise was to be performed, 'the last Sonday of February, and the first Sonday of Marche nixt following the date of the said Assemblie.'[46] This date is further mentioned in the later section of the document, which notes that the days 'ar not appoynted for any religion of tyme, nether yet that those precised days shalbe observed everie yeare following.'[47] The underlying context of this statement was a concern not to be seen to be following the practice of set seasonal times of penitential fasting such as Lent, which the Catholics employed and which, to Scottish Protestants, was deemed to be 'superstitious' practice linked to a theology of works. There appears, however, to be some inconsistency, or perhaps a little pragmatism concerning this, given the actual date set for the fast was in the week containing Ash Wednesday and therefore at the beginning of the Lenten period.[48]

The cause for engaging in the performance of communal repentance was explored in detail in what was the next, and longest, section of this doctrinal component of the document and reflected the providential view of God and the covenantal identity of Scotland as the new Israel. The language used was typically Knoxian hyperbole: Knox had immersed himself in his role as both a watchman and a prophetic voice, and it was highly apocalyptic in tone. Having brought to his readers' attention the reasons for God's displeasure, evident in the calamities described earlier, Knox then supplied the appropriate response, which was the corporate repentance of the covenant community by prayer, humiliation, and fasting.

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[46] Knox, *Fast*, 393.

[47] Knox, *Fast*, 416.

[48] According to the Julian calendar for 1566, the last Sunday in February was the 24th, Ash Wednesday falling on the 27th of February and the first Sunday of March being the 3rd and the first Sunday of the Lenten season. Although the writers claimed that 'true' fasting had no set days for observance like the 'false' fasting of the Catholics, the General Fast did coincide with the old penitential season. The claims concerning non-appointed fasting can be found twice on page 394, and once on page 416.

The latter stages of this theoretical section were written as a response to those who might object to the call for corporate penance. Knox used a rhetorical question and answer pattern and wrote:

> we knowe, that suche as neither lufe God, nor trewly feare his judgementes (for mo Atheistes we hav nor consumate Papistes within this Realme) shall grudge and crye, What new ceremonie is this that now we here of? Wherefore shall we Fast! and who hath power to command us so to do?[49]

This question was answered with the resounding cry that 'the power that we have to proclame this Fasting, is not of man, but of God.' A reference was then made to the prophet Ezekiel and the role of the prophet as the watchman who was to blow the warning trumpet – trumpet blasts being a favoured Knoxian motif. Following the Ezekiel comment, attention was drawn to God's mercy, with Knox noting that 'God of his mercy hath rased up amonges us mo watchemen then one or two, of whose mouthes we can not deny but we have hard fearfull threaninges.'[50] While in this instance Knox did not refer directly to himself as a watchman he indirectly insinuated himself into the role, donning the mantle of latter-day prophet foretelling and forthtelling God's truth.

The text then turned to a discussion of the authority of the secular sword as against the spiritual sword; in this, the desire for civic law to adhere to Mosaic law was evident. A telling comment was made concerning those who did not follow the proper rituals of repentance: 'albeit we have no corporall punishment to inflict upone the contemners of that Godly exercise, yet have we the spiritual sword, which ones will stricke sorer then any materiall sword can or may.'[51] The power of the spiritual sword, as against the limits of human law, was further echoed in the comment that 'the eyes of our God pearseth deaper then mannes law can streache.'[52] The theme of God's justice and the world's justice was addressed again in the closing section of the document.

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[49] Knox, *Fast*, 406.

[50] Knox, *Fast*, 407.

[51] Knox, *Fast*, 408.

[52] Knox, *Fast*, 412.

Knox revisited what he believed to be the chief cause of God's wrath: toleration of 'idolatry', in other words, Catholicism. He stated 'if we desyre ether to finde mercy in this lyfe, or joy and comfort in the lyfe to come, we muste showe our selves unfeanedly sorry for the abhominations that now universally Reigne.'[53] The theme of the faithful remnant, who had their backs against the wall in the face of the prevailing majority was also brought up once again:

> nether ought we to be discoraged because that the contemners, godles people, and mockers of all godlynes, shall prevale us in multitude. Their nomber, deare Brethren, shal not hurt our innocencie, if that we with unfeaned heartes turn unto our God; for the promes of his mercy.[54]

Here, the parallel with Old Testament Israel was brought out: by making a repentant response to God those who perceived themselves to be the faithful few could also rely on God to be faithful to them by showing them mercy.

This first section closed by enumerating both the 'frutes' of fasting and by discussing at length social justice and, more precisely, injustice committed by those in positions of power: oppression was the opposite of justice for Knox. He stated that:

> the law of man cannot convict the Earle, the Lord, the Barrone, or Gentilman, for oppressing of the poore labourers of the ground; for his defence is ready, I may do with my owen as best pleaseth me.[55]

As a result of the pressure of time – 'this present exercise of Fasting approcheth so nye' – a regret was expressed by Knox that much more could have been written on this matter, but the hope was voiced that the discussion would be pursued at a later time.[56] This section of the document closed with the dates for fasting. Having concluded the doctrinal and biblical discussion, liturgical and other instructions concerning the exercise of corporate repentance were then addressed in the subsequent section of the *Fast*.

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[53] Knox, *Fast*, 406-407.

[54] Knox, *Fast*, 407.

[55] Knox, *Fast*, 413.

[56] Knox, *Fast*, 416.

Liturgical instructions for corporate repentance: the 'trailer' service

To the modern liturgical eye, the worship instructions provided in the *Fast* appear to be a little bizarre. What is particularly striking is the sheer brevity of the instructions provided within some of the worship components. However, in this, the composers were making particular assumptions about their audience. First, they were writing to people who were well-versed in the actual practicalities involved in penitential fasting: it had been a part of the sacred routine of life. Second, there is an assumption that their readers will also be familiar with, and probably have access to, a copy of the *BCO*.[57] This is immediately obvious in the pre-fasting liturgy set out in the *Fast*. The service, set for the Sunday of the week prior to the commencement of the fast, acted as a trailer to the fast itself. The instructions given are brief and concern only the sermon, the purpose of which was both to advertise and to prepare the congregations for the penitential fasting to come. As regards the performance of the rest of the service, no set prayers are given, nor are any psalms suggested, again the assumption being that those conducting worship would insert the appropriate components as was deemed fitting and, in effect, follow the normal pattern of worship.

Within the preparatory service, there are four 'appropriate' biblical texts provided suggested to the preacher: the previously noted Joel 1.14, Jonah 3 with its story of fasting and repentance by the Ninevites in the face of God's wrath, Jeremiah's warning to the King of Judah in 22.2, and Luke 13 in which Jesus mourns for Jerusalem. All readings provided ample evidence to the listening ear of the cause-and-effect implications of covenantal relationship and all were calls for God's people to repent. The minister was also given the opportunity to use his own discretion and look beyond these suggested texts for inspiration, the instruction being that he could also use 'any uther proper place within the Scripture that entreteth of repentance, of publict humilation, of the causes, and of the frutes of the same.'[58] The congregation were to be made completely aware of why they were to humble themselves through

[57] In the *Fast*, this is referred to as the 'Psalme book.' This had been the prayer book used by the English speaking exiles in Geneva, which had been brought to Scotland and subsequently published in 1564.

[58] Knox, *Fast*, 417.

corporate repentance, as well as to be given instruction in the right way in which to live and thus please God.

Not only was advice given concerning biblical texts; there was also advice concerning the sermon delivery. Worship leaders were encouraged by the writers to preach passionately 'with suche exhortation as God shall put into their mouthes, to make the people to embrase the just commandement of the Churche with more glaide myndes.'[59] Here, the use of the words 'glaide myndes' provides a glimpse into the underlying Reformed understanding of salvation by grace alone. In order for God's wrath to be averted repentance had to be undertaken wholeheartedly and willingly and the aim of the worship leader was to facilitate this. Creating an atmosphere which encouraged people to embrace communal repentance willingly enabled 'true' fasting to occur. This 'true' fasting, or sincere repentance, was held in contrast to so-called 'false' fasting performed within the framework of fixed liturgical seasons, a system, allegedly built around works-based merit. With the congregation suitably moved, willing and prepared, the corporate performance could then commence the following week in an octave of repentance.[60]

Beginning the octave of repentance: the pattern of Sunday morning worship

All through the eight-day period of fasting, two daily services were held: one in the morning and one in the early afternoon. On the first Sunday morning, the exercise began by reminding the faithful of God's law by way of a reading of the Decalogue. This was done, noted the writers, 'because that all that offendeth God's Majestie proceadeth from the transgression thereof.'[61] In this the covenantal call to obedience was once again emphasised to the congregation with the underlying rebuke that the very act of repentance was a sign of their inability to maintain their obedience.

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[59] Knox, *Fast*, 417. The term 'worship leader' is used instead of 'minister' because due to ministerial shortages in the first couple of decades after Reform, readers would also have overseen the conduct of worship.

[60] In comparison, Grindal's English liturgy was designed to be used once a week on a Wednesday, as is evidenced by the title: 'and also an order of publique fast, to be used every Wednesday in the weeke.' Grindal, 'A Fourme', 76. A liturgical outline for the 'trailer' service is given in Appendix 4, Table 1, 248.

[61] Knox, *Fast*, 417.

Immediately following the reading of the law was a short prayer of supplication, asking that 'God will please to make his Holy word to fructifie amonges us' – that in the act of making their repentance as the gathered community of the faithful, God would enable new life and a renewed will to obedience.[62]

Confession

Apart from the Sunday morning service which began the overall exercise, each service began with a long scripted confession which incorporated a recounting of the unfaithfulness of God's people throughout history, in contrast to God's faithfulness and mercy. In this, the prayer acted as a grounding story for the congregation, emphasising continuity with the past: they followed in the line of God's people throughout the ages. Repetition and rhythm were used, as well as comparison and contrast and grouping ideas into three. All these devices helped to provide a framework for the listening congregation, who were reminded that 'for albeit thow teache, we shall remaine ignorant; albeit thow threaten, we shal contempne; and albeit thow promes mercy and grace, yet shal we despaire and remaine in infidelitie.'[63] The prayer also demonstrated within it the understanding that those praying were the chosen people of God, in covenant, and urged God to 'move our dulle heartes, and by the power of they Holy Spirite, that thow will write and seale into them that holy fear and reverence which thow cravest of thy chosen childrene.'[64] Further, it served to remind the penitents that they were performing the fast to avoid destruction: 'we acknowledge, O Lord that the same corruption lurketh in us, that budded furth in them [the disobedient in ages past], to their distruction and just condemnation.'[65]

Bible readings

Following this first confessional prayer the worship leader was instructed to read Deuteronomy 27-28 which reminded the players and spectators alike of their

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[62] Knox, *Fast*, 417.

[63] Knox, *Fast*, 418.

[64] Knox, *Fast*, 418.

[65] Knox, *Fast*, 418.

transgressions noting 'that all that offendeth God's Majestie proceadeth from the transgression thereof.'[66] Deuteronomy 27 was a list of curses that awaited those who broke God's law. Deuteronomy 28 had both blessings and woes, demonstrating yet again that covenant contained within it a behavioural cause and effect depending on whether the faithful were obedient or disobedient. As with the prayer, the reading from the law was meant to ground the faithful in the reality of their faithful and yet faithless state, again following in the tradition of God's covenanted people. The instruction given for reading the biblical text states that the minister or reader 'shall distinctle read' this set text.[67] Several times through the *Fast* the writers are careful to remind the minister or reader on this point: as a religion based on the Word of God, it was a pointless exercise to read that Word in such a way that the congregation could neither hear or understand. Given that Scripture was now in the vernacular, not in Latin, it also meant there was no excuse for the faithful not to obey that Word as they could now understand it.

Individual reflection

In the midst of what was a corporate act, a time of private reflection followed. with the minister instructed to 'wishe everie man to descend secretly into him self, to examine his owen conscience, whereinto he findeth him selfe giltie before God.'[68] This interior examination of conscience was to last for a minimum of a quarter of an hour, but could also be of longer duration. Through the time of self-examination both the minister and congregation were to physically prostrate themselves in order to demonstrate further their contrition, the traditional posture of extreme repentance. For a congregation used to wordy worship, including both the reading of the Word and sermons that generally lasted for at least an hour, the long silence in the liturgy of the General Fast would have provided a startlingly dramatic contrast.

The second prayer of confession and the Lord's Prayer

After a suitable time was judged to have passed, a further prayer of confession was

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[66] Knox, *Fast*, 417.

[67] Knox, *Fast*, 419.

[68] Knox, *Fast*, 419.

made, with the *Fast* again providing a suggested prayer. Having covered the history of the unfaithfulness of God's people in the initial prayer of confession, this second confessional prayer was specifically aimed at the congregation themselves, following as it did the period of inner examination. An acknowledgement of communal and individual transgression was voiced, along with the recognition that through the act of transgression, the people of God should expect nothing less than God's punishment.[69] This was in contrast to the righteousness of God: 'just and righteous art thow, O Lord God, Father everlasting; holy is thy Law, and moste just are thy judgementes.'[70] It was deemed to be entirely reasonable and a matter of justice that God 'poure furth upone us all plagues that are threatned.'[71]

Eschewing any mediation of saints, the latter stages of the prayer asserted the theological understanding that Christ was:

> our onely Mediator, in whome, and by whome, we call not onely for remission of our sinnes, and for assistance of thy Holy Spirite, but also for all things that thy godly wisdome knoweth to be expedient for us, and for thy Church universall.[72]

It reminded the congregation that Christ was their great high priest, who interceded on their behalf, not a heavenly host of saints in what had been a very full household of heaven prior to the Reformation. The prayer then finished with all praying, or singing, the Lord's Prayer. This was unscripted on the assumption people knew it: given that people had to recite it as part of the catechetical process and that it was also used as one of the tests for admittance to communion, this was a fair expectation. Further, prior to the Scottish Reformation, only the priest would have said this prayer in public worship: now, not only did they have more direct access to

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[69] The contrast between confessional prayer on a penitential Sunday and on an ordinary Sunday is quite telling. The prayer of confession given in the *BCO* to begin worship on ordinary Sundays is more upbeat in style, balancing sin with a reminder of God's love. It is also much shorter, missing the historical recounting of the sins of God's people. Within the context of a service of worship aimed at communal reconciliation, prayer was a useful medium by which to remind the congregation of the covenantal context of what they were doing and of God's justice and anger in the face of disobedience. See *BCO*, 91-2.

[70] Knox, *Fast*, 419.

[71] Knox, *Fast*, 419.

[72] Knox, *Fast*, 419.

God in bypassing the saints and focusing upon Christ as sole mediator, Scots were audibly performing their part as the priesthood of all believers.

The sermon

The liturgy then moved towards the preaching of the sermon, with the minster instructed to read the biblical text which was to form its basis. The sermon structure was provided by the *Fast*, suggesting that it begin by expounding:

> the dignitie and equitie of Gods Law. Secondly, the plagues and punishmentes that ensew the contempt thereof, together with the blessings promised to the obedient observers of it. Thridly, he sall teache Christ Jesus to be the end and perfection of the Law, who hath perfitely accomplished that whiche wes impossible to the Law to do.[73]

In this, the stages of the sermon were designed to demonstrate, or give the congregation a sense of, a covenantal 'cause and effect'. God's law was show to be good and perfect and two paths could be followed: if God's law was disobeyed, punishment in the form of a cosmic chain of events would be set off expressing God's displeasure. On the other hand, if the law was adhered to, God's followers – 'the obedient observers' – would be blessed. Underlining a theology of grace as against works, Christ was then brought into the equation, noting that without him, keeping God's commands would be impossible. Having given the theoretical exposition, a practical application followed, in which the minister encouraged all those gathered to continue in their repentance, to remain faithful 'and to showe frutes of the same.'[74] In this, both word and deed needed to correspond.

Post-sermon prayer

At this point, the sermon ended and the instruction was given to use the 'commone prayer.' Details provided in the text note 'that is conteaned in the Psalme booke, the 46. page thereof, beginning thus "God Almyghtie and heavenly Father" and so on.'[75] In the *Book of Common Order*, there is a preface to this prayer, noting that 'it is very proper for our state and time, to move us to true repentance, and to turne backe

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[73] Knox, *Fast*, 420.

[74] Knox, *Fast*, 420.

[75] Knox, *Fast*, 420.

God's sharpe roddes which yet threaten us.'[76] The language of covenant and of God's punishment meted out to the disobedient was woven through the very long prayer in stark terms that appear oppressive:

> for seeing that thou art a just and upright Judge, it cannot be without cause that thou punishes thy people. Wherefore, for asmuche as we have felt thy stripes, we acknowledge that we have justly stirred up thye displeasure against us, yea, and yet we se thine hand lifted up to beate us afresh: for the roddes and weapons wherewith thou are accustomed to execute thy vengeance, are already in thine hand; and the threatnings of thy wrath, which thou usest against the wicked sinners be in ful readiness. Now though thou shuldest punish us much more grievouslie then thou has hitherto done, and that, whereas we have received one stripe, thou wouldest give us an hundredth: yea if thou wouldest make the curses of thine Oulde Testament which came then upon thy people Israel, to fall upon us, we confesse that thou shouldest do therein very righteously, and we can not denie but we have fully deserved the same.[77]

The language of the prayer both served as a teaching aid to the penitent, reminding them why they were performing repentance communally, and as a device which would convict them of their sins and aid contrition. The prayer itself is from the 'Form of Public Worship' and was used after the sermon on days when a communion service was held. The practice of pre-communion fasting was a feature of Protestant life, so it is not surprising to find this communion prayer used within the liturgy of the *Fast*.

Concluding the service

The service concluded with congregational psalm singing, in this case, the singing of psalm 51 in its entirety. The psalm was one of the set of seven traditional penitential psalms and concerned David's repentance for his adultery with Bathsheba.[78] David cries out to God for mercy, for his sins to be removed, and for the restoration of his relationship with God:

> Lord consider my distresse,
> And now w[i]t[h] speede some pitie take:

[76] *BCO*, 111.

[77] Knox, *Liturgy*, 114.

[78] The seven penitential psalms were Ps. 6, 32, 38, 51, 102, 130, and 143.

My sinnes deface, my fautes redresse,
Good Lord, for thy great mercies sake.[79]

The commentary note in the Geneva bible emphasise the way in which individual sin impacted upon the overall community of the faithful. It states: 'finally fearing lest God wolde punish the whole Church for his faute, he requireth that he wolde rather increase his graces towards the Same.'[80] Upon completion of singing the psalm a benediction was given after which the faithful were expected to return to their houses and reflect, fast and pray until the afternoon service.[81]

The Sunday afternoon worship pattern -

Invocation

The pattern of worship for Sunday afternoon, although similar to the morning service, began with the invocation of God's name, publicly by the minister and privately by the congregation, for 'a reasonable space.' As in the morning service, in which the congregation were to silently examine their consciences and offer private contrition, here the congregation were expected to participate within the worship by silently, but earnestly, calling upon God to be present with them during the time of repentance. It was a space set aside inviting God to witness both their private and their public contrition.

Sermon texts and close of service

The covenantal emphasis on God's law and the importance of obeying the law was emphasised by the suggested use of the beginning of Psalm 119, 'where the diligent reader shall observe the properties and condition of suche as in whose heartes God writeth his Law.' The desired outcome was that obedience to God's law should become such a part of the life of the people of God that it would not need to be

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[79] *The forme of prayers and ministration of the sacraments &c vsed in the English Church at Geneua, approued & receiued by the churche of Scotland: wherevnto are also added sondrie other prayers, with the whole psalmes of Dauid in English meter* (Imprinted at Edinbrough: Robert Lekpreuik, 1564), 141–145.

[80] *Geneva Bible*, 245. The short prefaces before each of the psalms in the *Psalm Book* were the same as the Geneva Bible.

[81] A liturgical table illusstrating the format for the first and last Sundays of the octave is given in Appendix 4, Table 2, 249.

written on paper but would be inscribed upon the heart. An alternative choice of text was provided in 1 John 1, if it was thought by the minister that the initial option seemed 'over hard.' A prayer followed but the content of the prayer was not provided: the text merely noting that 'the prayer is referred unto the Minister.'[82] The service was once again brought to a close with psalm-singing; this time Psalm 6, another of the set of seven penitential psalms. This was followed by the benediction and an exhortation to 'call to mynde wherefore that exercise is used.'[83]

Worship pattern during the week of corporate repentance -

Throughout the week, at least for those who lived in burghs, a series of morning and afternoon services was held.[84] The *Fast* provided the basic liturgical structure:

> the beginning ever to be with Confession of our sinnes, and imploring of God's graces. Then certane Psalmes, and certane Histories to be distinctly red, exhortation to be conceaved thereupon, and prayers lykewise, as God shall instruct and inspyre the Minster or Reader.[85]

Again, the brevity with regard to practical liturgical instructions indicated an assumption that the readers of the text had a basic knowledge of what to do, and when to do it, within the order of service.

A list of readings, shown in Table 5, for each of the days between the Sundays was provided for both services. All readings were taken from the Old Testament and predominantly featured the Psalms.[86] During the week the psalms were not sung, but were, as can be seen from the quote above, to be read clearly: here they served as

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[82] Knox, *Fast,* 420.

[83] Knox, *Fast,* 420. For instructions for the first and last Sunday afternoon services, see Appendix 4, Table 3, 251.

[84] For those who lived 'landwart,' the *Fast* allowed some lee-way concerning week-day attendance, acknowledging the practical difficulties of travelling distance to the kirk. Those who lived in towns and cities, however, were expected to attend. An outline giving the format of weekly services is found in Appendix 4, Table 4, 252.

[85] 'Histories' referred to the Old Testament historical books. Knox, *Fast,* 421.

[86] All twelve non-Sunday services included readings from the Psalms, meaning a total number of twenty-five psalms read during the period. Interestingly, given the penitential nature of the performance, of the total psalms used, only two of the seven tradition penitential psalms were employed – Ps. 51 and Ps. 6. The full list of weekly readings are in Appendix 4, Table 5, 252.

bible readings not congregational sung responses. Throughout the week, these readings told a particular story and served to reinforce and remind Scottish Protestants of their covenant identity as the new Israel. On the Monday morning, the psalms spoke of various adversaries and of feeling overcome and gave a sense of God hiding from the faithful in the time of their affliction. The reading from Judges 2 told of God's rebuke to Israel for having made peace with Canaan. Given the manner in which the bible was interpreted, this was perhaps used as an allusion to the toleration of Catholicism within Scotland. The afternoon psalms for Monday concerned the small number of faithful in the land, and were also cries for God to listen and not forget his people. This was matched with Judges 3, which told of God punishing the Israelites for their disobedience by allowing them to be oppressed by the Midianites.

Tuesday, in both morning and afternoon, the psalms were again cries for God's help and a call to punish the wicked. The readings from Judges 7 and 4 were calls for God's faithful to stand against wickedness and, by doing so, to be delivered from their enemies. An acknowledgement of God's mercy and of God listening to the faithful was the theme of the psalms for Wednesday, while the faithful purging evil from their midst was reflected in the texts of Judges 19 and 20. As the week progressed, the sense that God did listen to the obedient faithful was underpinned by a series of readings demonstrating God giving victory over those who were intent upon Israel's destruction. The final set of readings given on the Saturday afternoon were used to encourage the new Israel to be steadfast in their faithfulness and to believe that God would listen, as shown by Ezra who, after repenting in prayer and with weeping, humbling himself by the wearing of sackcloth and ashes, set an example to the Israelites, who subsequently repented of their sin.

Patterns for worship on the last Sunday during the exercise

The morning service was very much the same as the previous Sunday, and therefore instructions were kept to a minimum.[87] The elements that had changed were the choice of reading and the pre-sermon confessional prayer. The reading suggested for

[87] See Appendix 4, Table 2, 248.

this Sunday was Leviticus 26, a recounting of God's law and, again, of the covenantal cause and effect: a series of blessings that would fall upon the obedient and a series of curses, or calamities, that would befall the disobedient. The prayer suggested was from 'the Psalme book, the 165 page, beginning, "Eternall and everlasting," &c.' and was relatively short.[88] Again, covenant was key, with the opening of the prayer serving as a reminder to the congregation that God 'showest mercy, and keepest covenant with them that love, and in reverence keep Thy commandements.'[89] This was a confessional prayer to be used prior to the sermon, in the *BCO's* 'Form of Public Worship,' and began with the note that it was 'made unto God in the time of our extreme Troubles, and yet commonly used in the Churches of Scotland, before the Sermon.'[90]

The instructions for the afternoon service were even more briefly outlined, the difference to the service from morning worship being the readings and the choice of psalm which, again, was not sung but read:

> Psalme 78. Historie, the 9 of Daniel. The exhortation ended, for the conclusion shalbe distinctlie read the 80. Psal. And so with exhortation to every man to considder to what end the whole Exercise tendeth, with benediction the assemblie shall be demitted.[91]

The apocalyptic vision of Daniel 9, painting a picture of God's wrath and of the calamities faced by the people of God, emphasised rather spectacularly the overall purpose of the exercise of communal penitence – to avert God's wrath. It also demonstrated that the appropriate avenue for repentance was through the mechanism of fasting.[92] The concluding psalm was a call for God's people to be restored. A final supplication was made before the overall exercise concluded with a benediction and the congregation dismissed.

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[88] Knox, *Fast*, 98.

[89] *BCO*, 85.

[90] *BCO*, 85.

[91] Knox, *Fast*, 421.

[92] Daniel 9:33 'Then I turned to the Lord God, to seek an answer by prayer and supplication with fasting and sackcloth and ashes.'

Concerning the brevity of instruction, the reader is informed that 'tyme preassed us so, that we coulde not frame them in such ordour as wes convenient.'[93] Given that the intent of the *Fast* was to give practical guidance to the pure Protestant 'remnant,' in order that they set an example to the impure nation, a question arises concerning this seeming rush in producing the document. Perhaps the awareness that they were facing God's imminent wrath heightened the writers' sense of urgency. Certainly, as noted, dotted throughout the entire text are references to matters such as the lack of time, the current crisis and so on. This in part would serve to explain the more 'expedient' approach adopted. Another, more prosaic, explanation may lie in the time needed for the actual printing process and distribution. The *Fast* was commissioned at the end of December with a view to commencing eight weeks after the Assembly had met; it first needed to be written. Thereafter the printer needed to prepare his printing blocks, and adequate time was needed for the final product to be circulated.

Demonstrating corporate repentance when not engaged in worship

Corporate repentance extended beyond participation in public worship into the realm of private devotions: the penitent faithful were required to pray, to read the bible, and at all times to contemplate their sins and maintain a repentant attitude. In this manner, repentance encompassed everyday life, demonstrated through appropriate dress and behaviour. If behaviour was judged and found wanting during a time when the entire community was engaged in penance, individuals guilty of disciplinary offences were treated more severely than at other times. During the time of an eight-day period of fasting and humiliation, levels of required abstinence varied: prior to, and on the opening day of corporate repentance, the community were required to undergo a more severe form of abstinence. The *Fast* set the time from between 'Setterday at eight houres at nyght, till Sonday after the exercise at after noone, that is, afer five hours.'[94] Thereafter, the requirement was that abstinence was practised by means of moderation in all areas of life: essentially maintaining an attitude in keeping with repentance through simple, or humble, living. Given this, attending banquets, eating rich food and drinking to the point of excess was certainly not in

[93] Knox, *Fast*, 421.

[94] Knox, *Fast*, 416.

keeping with the overall exercise as evidenced by a Dundonald Kirk Session record from 1605:

> Hew Wallace in Bogsyd, compeirand befoir the Sessioun, allegit that Gilbert Cathcart of Clolinand ves als soone at breid and cheis in John Wallace hous in Lonis as he and his complicis war at beif and uther meit in William Dooks that day of publict Fast quihilk he wes fund to haif wiolat.[95]

Beyond appropriate food choices, repentance was demonstrated by Sabbath rules such as refraining from games. The only exercise people were to have was to 'exercise themselves after the publict Assemblies in previe meditation with their God.'[96] Failure to comply with the requirements was frowned upon, as was seen in the case of a group of young men from St Andrews who could not resist the temptation of the golf course in the midst of a time of public fasting:

> it is delatit that Alexander Milleris tua sonis ar inobedient to him, and that thai, with Nicholl Mane, William Bruce and utheris, thair complices, playit in the golfeildis Sonday last wes, tyme of fast and precheing, aganis the ordinaces of the kirk. The sessioun ordanis thame to be warnit and accusit thairfor.[97]

The wearing of appropriate clothing was also required: those undertaking the fast were told not to wear 'gorgious apparrell', but rather to reflect the penitential mood through the wearing of plain and sober dress.[98]

Offences committed during times of declared public fasting were dealt with more severely. The use of penitential garments of either linen or sackcloth were often required as part of the costume of the penitent. However, the Dundonald Kirk Session normally allowed those who broke the Sabbath to make their repentance in the kirk wearing their own clothes. If the breach had been committed during a time of prescribed fasting and humiliation, on the other hand, the wearing of linen was required to emphasise the severity of the offence.[99] Concerning sexual pleasure, or

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[95] *Dundonald*, 73. 17 February, 1605.

[96] Knox, *Fast*, 416.

[97] *RStAKS 1*, 515.

[98] Knox, *Fast*, 416.

[99] *Dundonald*, 60.

more specifically the expected absence of it, the case of the unfortunate Elspeth Cudbert and George McChanse of Perth has already been referred to in Section Two, Chapter Three.[100] The couple had been found naked in bed on a Sunday which had been set aside for fasting due to the reappearance of the plague. The severity of their prescribed repentance served as a reminder to others that committing offences during a time of corporate offences was a mocking of God. Further, given that the purpose of the fast was to seek God's mercy, as seen in a removal of the plague, Cudbert and McChanse were guilty of not loving their neighbour; their behaviour had the potential to increase God's wrath, not avert it. Abstinence within the confines of the marriage bed was also expected during the period of communal penance, as seen by the voluntary confession to the Aberdeen St Nicholas Kirk Session by a married couple to having slept together during a time of fasting.[101]

Having shown their repentance over the requisite period of time, the faithful once again returned to everyday activities and were permitted such joys as beef, cheese, golf, fine clothes and marital relations. It is only fair to note that while there has been a tradition in which Presbyterians have been portrayed as dour kill-joys, it was not the Reformers' intention to ban games, sex, or for that matter, the wearing of gorgeous garments permanently.[102] The noticeable absence served rather to be a visible marker indicating the penitential performance of the community for a specific period of time. In this manner, regulations concerning abstinence or moderation from particular food, activities and clothing were specifically designed to demonstrate to the watching, wrathful God that his people were appropriately contrite; in turn, God would be appeased and, with the reconciliation of relationship, restore blessing to his people.

Harking back to the opening question of this chapter, namely, the appropriate response which 'good', or God's, people should make in the face of calamity: as has

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[100] See 98ff.

[101] Perth Session Records CH2/521/1, in Todd, *Culture*, 174-175, n.157 and n.171; Aberdeen St Nicholas Session Records, CH2/ 448/2 in Todd, *Culture* , 170.

[102] Donald MacLeod, 'Scottish Calvinism: a dark, repressive force?', *Scottish Bulletin of Evangelical Theology* 19, no. 2 (2001): 195–225.

been observed within Scotland in the later sixteenth century, the answer was corporate repentance. Again, as noted, this was performed at all levels, national, regional and local, in response to a variety of events and not only as a reactive but also as a preventative measure. This corporate response was due to the Protestant understanding of providence – that God was at work in the world blessing and cursing creation depending upon the obedience of the people called into covenant with God. With this in mind, the people of Perth could be forgiven for thinking that God had a particularly strong grievance against them, judging by the series of calamitous events recorded in the *Chronicle of Perth* from 1573 to 1609.

Over a period of twenty-six years, the *Chronicle* records: 'the first down falling of twa bowis of the brig of tay, and off lewis wark, be innundatioun of Water, on the 20 day of december 1573 zeiris at midnight', while another storm in 1583 caused 'the dounfalling of five bows of the brig of tay, on the 14 day of Januar'; plague in 1585 saw the session direct 'that hereafter induring the time of the plague, no banquets should be at marriages, and no persons should resort to bridals' as well as the severe punishment given to the fast-breakers George MacThane and Elspeth Cudbert; in 1590 there was 'a plague among the bestiall'; and the years between 1597 and 1599 witnessed a trinity of horror in which earthquake, solar eclipse and plague visited the town. A brief respite in the records follows until calamities struck once more from 1606 with the reappearance of the plague; severe weather the following year destroyed a bridge in February and two weeks later a further storm hit in which 'ane great extraordinarie winde ... blew the lead of the steipill'; and plague reappeared in August 1608 'quhering deit young and auld 500 persones,' followed by an earthquake in November. Perhaps adding insult to injury, even when in the midst of worship, God's people were still not immune from the long arm of God's wrath: the *Chronicle* records yet another severe storm doing damage, noting that 'the great wind blew down the stanes of the mantil wall of the kirk, in tyme of Sermone, and terrifeit the peopell.'[103]

That all these calamities were caused by God and were signs of God's disfavour was

[103] *Chronicle*, 3, 4, 55, 6, 7, 11, 12.

not in question. Given the providential view of God, however, and the apparent utter lack of blessings bestowed upon Perth, its residents could have been forgiven for thinking that perhaps there was something wrong with the mechanism they were using to avert calamity. So inured were the denizens of Perth to God's wrath visiting them on a frequent basis, they not only responded reactively with the penitential tool of corporate repentance, but also proactively. This is evidenced by the session record from the 7th November 1587, the year in which Mary Queen of Scots was executed. In response to plague further afield and to active 'popery' closer to home the session ordered:

> an fast to begin on Saturday next, and to continue while Sunday eight days thereafter at even, with great humiliation and prayer to God, that it would please him to remove the plague of the pest from the towns of Edinburgh, Leith, &c. and to preserve us therefrom; as also to preserve us from the pest of the soul, whilk is Papistry ignorance, maintained presently by these Jesuites and Papists now come in, who presses to bring men under the thraldom of idolatry and ignorance, and from the true knowledge of Christ our saviour, revealed to us in his word, and to embrace their superstitious rites and ceremonies, from whilk the Lord preserve us! And ordains this to be notified from the pulpit on Thursday next, that none incur ignorance hereof, that every one may address them to fasting, to prayer, and humiliation at the time appointed.[104]

Quite clear from this record is the importance the session placed on ensuring that the event of corporate penance was well advertised: there were to be no 'loop-holes' which could provide excuses for not adhering to the edict. Underpinning this was a sense of corporate covenantal responsibility: an understanding that unless all performed the ritual of repentance together God would remain offended. As Todd notes, 'if God, being effectively petitioned to attend, then witnessed disregard and outright sin on the day, surely he would be the more incensed and harder to appease.'[105]

There were instances, however, when abstaining from the performance of communal repentance was deemed acceptable and within the *Fast* there is a 'conscience clause',

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[104] *Chronicle*, 56-57.

[105] Todd, *Culture*, 347.

citing suitable reasons for non-participation.[106] Appearing before the Dundonald Session having offended once again in a time of penitential fasting, Hew Wallace appealed on behalf of his pregnant wife Bessie Wallace.[107] Both:

> war absolveit be the Sessioun of the chalenge of byding fra examinatioun heirtofoir, and scho fro the chalenge of violating the fast, because scho gaif hir aith upoun necessitie, beand the war of hir fasting because scho ves with bairn, and without greitar hurt to hir helth scho could not fast ony langar and thairupoun wes contrainit to tak the meit and drink scho tuik with tempirance in the Lonis.[108]

As with all acts of repentance, it was essential that any engagement within this particular expression of the disciplinary drama was voluntary. If participants did not undertake the performance willingly, the ritual was inauthentic, and thus ineffective; it could also trigger a further display of God's wrath. Dawson observes that 'the Reformers stressed that the power of corporate prayer from humble hearts was the most potent weapon available to alter the course of events: God would listen and intervene.'[109] Although there was a doctrinal aversion to liturgical cycles in which penance was displayed, there were times of the year when communal acts of repentance were more likely to be held. Todd notes that:

> there were predictable fasting seasons, especially in late winter/ early spring and for the duration of the harvest season. The former was often a time of severe weather, particularly troublesome for those who made their livings at sea ... the latter season was surely the most anxious of the year, when blight or storm could mean dearth, and warm weather fostered plague.[110]

As the appropriate ritual mechanism when faced with adversity, communal fasting was observed at all levels of the church courts in response to adversity – from the national to the local sphere; it was also a form of peaceful political protest. In April

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[106] The *Fast* states: 'we do not binde the conscience of persones that be unable to beare the extremitie of the Abstinence.' Those who choose to exercise their conscience were further instructed 'to use their libertie (if any they tak) in secret, least that others ather follow their evill exemple, or els judge them to be despysers of so necessarie an exercyse.' The irony of providing a conscience clause and, subsequently, stating that those who exercised it were a bad example seems lost on Knox. See Knox, *Fast*, 416–417.

[107] See 171, n.95.

[108] *Dundonald*, 77. 14 April, 1605.

[109] Dawson, 'Discipline', 135.

[110] Todd, *Culture*, 346.

1578, a General Fast was called by the Assembly. What is of particular interest in the entry is the reference to the 'Book of Public Fasting'; this was tangible evidence that the *Fast* was indeed a template for corporate penitential fasting and humiliation. The record provided a general list of grievances demonstrating just cause for repentance and also illustrated the response that good and godly people were to make during bad times:

> the general assembly of the Kirk finding the universal corruption of all the estates of the body of this realm, the great coldness and slackness of religion in the greatest part of the professors of the same; with the daily increase of all kind of feareful sins and enormities, as incest, adultery, murder, and namely recently committed in Edinburgh and Stirling, cursed sacrilege, ungodly sedition and division within the bowels of the realm, with all manner of disordered and ungodly living, which has justly [moved and] provoked our God, although long suffering and patient, to stretch out His arm in His anger and to correct and examine the iniquity of the land, and namely by the present severity of famine and hunger ... [the generall assembly therefore has concluded, that a universal fast shall be kept throughout all the kirks of this realm, to begin the first Sunday of June next to come, and to continue inclusively until the next Sunday thereafter, keeping the accustomed use of exercise according to the book of public fasting].[111]

When plague appeared in Aberdeen in 1608, followed swiftly by an earthquake, the session not only called for a week of corporate repentance and fasting; it subsequently extended the penitential period from October to January.[112]

Again, key to this communal ritual act was the identification of Scottish Protestants as the new Israel, the chosen and elect people of the covenant. The way in which they lived their lives demonstrated the state of their relationship with God, not only to both parties within the covenant, but also to those outside of the covenant. The ideal, then, was for a marked lack of calamitous events that would serve as visible proof of God's favour. Here the providential view of God created difficulties when bad things did indeed happen to God's people; it both undermined the claims made by Protestants that they were the 'true' church and highlighted an apparent breakdown in the relationship with God. Alternatively, when calamity struck, it

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[111] *APGA 1*, 480.

[112] Aberdeen St Nicholas Session Records, CH2/448/3, in Todd, *Culture*, 350, n.125.

provided an opportunity for the faithful remnant to shoulder the burden of repentance on behalf of the covenanted nation. It was an act of witness to God that not all within the nation were 'depraved', and because of that, Scotland should be spared from total destruction. Through placing the penitential performance centre-stage by creating a ritual act in which all were engaged, and by locating this act within a specific time-frame in the spiritual centre of that community, the faithful community acted as intercessors. However, while the nation or a regional area might experience the benefits of their actions, the faithful seemed, judging by the language of their prayers, to be interceding chiefly on behalf of the faithful. In this, communal repentance was also a rebuke to the ungodly – both individuals and the nation – a call for them to repent and a way of further establishing the kingdom of God in Scotland.

The ultimate purpose of corporate repentance, however, was to heal the fractures in the broken covenantal relationship, to restore harmony and to continue the ongoing conversation with God. It was an act of reconciliation designed to repair the vertical relationship between God and the people of God. However, through this communal ritual performance, reconciliation also occurred along a horizontal axis at community level and between individuals as they joined together in common purpose for the commonweal. As people of the covenant, subject to the requirement of obeying God's law, there was a natural extension from corporate repentance to individual repentance; reconciling with God necessarily involved reconciliation with one's neighbour. In this, horizontal relationships were further brought into the realm of healing and reconciliation between communities, within neighbourly disputes and as a means to resolve blood feuds. The corporate penitential discipline of the fast, initially designed as a response to a perceived national crisis, was quickly and readily adapted to respond to both regional and local events. Not only did the performance of corporate fasting have the potential at the highest level to reconcile the nation, it had the potential to reconcile local communities, and in the case of excommunicated individuals, it had the potential to reconcile beyond the acceptable bounds of behaviour; all it needed was a contrite and repentant heart.

Section Four/

Reconciling the excommunicate: making peace with the Church

Prelude

> But such as proudlie contempne the admonition of the Church, private or publike, declare themselfes stubburne, rebellious, and altogether impenitent, and therefore most justlie ought they to be Excommunicate.[1]

The last section of this study aptly turns its focus upon excommunication, the ultimate disciplinary tool employed within the theatre of reconciliation. If pride comes before a fall, for early modern Scots that fall could be deadly indeed. The above extract, taken from the *Order of Excommunication*,asserted unequivocally that pride was the root cause of excommunication. As all were subject to discipline, so all who did not submit to kirk discipline could, in time, find themselves cast out from the community of the godly through excommunication – a ritual causing both spiritual and social death. The paradox of excommunication, however, was that while easy to merit it was difficult to achieve: easy, in that the only requirement was persistent impenitence; difficult, in that the process leading to excommunication was lengthy, with multiple opportunities provided for offenders to repent. This potentially final curtain was not as final as it seemed; the act of casting out was designed to bring the offender back, with reconciliation – as ever – the prime motivation. The principle source utilised in Section Four is the *Order of Excommunication*: a liturgical and theoretical guide commissioned by the General Assembly and printed in 1569. Given that excommunication was a part of the reconciliation process, Chapter Eight briefly considers the Reformed understanding of excommunication before moving to an analysis of the ritual of excommunication itself. Chapter Nine then examines the reconciliation rituals outlined in the *Order of Excommunication* to restore repentant offenders to the society of the godly. Demonstrating how theory and scripted liturgy translated into practice, Chapter Ten gathers together several case studies taken from session, presbytery, and General Assembly records.

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[1] Knox, *Excommunication*, 461. See Introduction, 7, n.20.

Chapter Eight/ 'fallin from the kingdom of heaven': excommunicating an offender

> We are compelled ... in the feare of God, to give the said N. into the hands and power of the devill, to the destruction of the flesh, if that by that meane he may be broght to the consideration of himself, and so repent and avoide that fearfull condemnation that shall fall on all inobedient in the day of the Lord Jesus.[2]

If the practice of corporate penitence was designed to demonstrate to God and to an ungodly world how the faithful community should behave, the practice of excommunication was designed to demonstrate the extent to which that community would discipline those who would not behave. Excommunication reflected the logical endpoint of discipline, preventing the disease of sin from infecting the community by cutting it from their midst; by doing so, it preserved both the purity of the Lord's Supper and the faithful community. The act of excommunication was thus a spiritual amputation which removed the offender 'from God, and from all society of the Kirk.'[3] It was, as Calvin noted, 'the severest punishment of the church, the final thunderbolt.'[4]

The scriptural warrant for unleashing this final thunderbolt was 1 Corinthians 5:1-5, an instruction by Paul to the community at Corinth to remove a member who had committed sexual sin.[5] Remaining in historical continuity with the church through the ages, Protestant reformers invoked Matthew 16:18-19, the core text used to excommunicate and absolve.[6] A change in the hermeneutics of power occurred, however. Rejecting the long-held position that this text established the papacy, and further, that only a sacerdotal priesthood could loose and bind under the delegated authority of a bishop, reformers interpreted the passage as a mandate given to the priesthood of all believers. As the community were endangered by sin in their midst, so the task fell to the gathered community during worship to expel or receive an

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[2] Knox, *Excommunication*, 461.

[3] *FBD*, 170.

[4] Calvin, *Institutes 2*, 4.11.5, 1217. Calvin further commented upon both the removal of the sinner as remedy and the use of excommunication to prevent the infection of the faithful with sin. See Calvin, *Institutes*, 4.12.8, 1236, and 4.12.13, 1240.

[5] The said member had slept with his step-mother.

[6] See Section One, 26.

offender. Excommunication itself was not brought about by a particular offence, but rather, by an offender's persistent refusal to repent. An impenitent drunkard could be excommunicated, while a contrite murderer, having expressed their remorse and submitted to discipline, might remain within the faithful community. In this, according to Knox, 'a small offence or sclander may justly deserve Excommunicatioun, by reason of the contempt and disobedience of the offender.'[7]

Offenders remained excommunicated until they repented and were subsequently reconciled to God and the community. Upon an unrepentant death, however, the ultimate severing occurred – eternal separation from God. While stripped of the rights and benefits of belonging to the community, excommunicates were permitted very partial access to the focal act of the community, worship. Reinforcing the aim of hoped-for repentance, excommunicates were permitted to attend worship during the sermon so that, through hearing God's Word preached, they might be moved to contrition. This was clearly brought out in the instruction given in the *BCO* which stated:

> neither yet to forbid him the hearing of the Sermons, who is excluded from the Sacraments, and other duties of the Church, that he may have liberty and occasion to repent.[8]

All other access to worship, including prayers and the sacraments, was refused unless the excommunicate submitted to discipline.

Emphasising the need for repentance in order to gain full access to worship, the *FBD* directed that excommunicates were not to:

> be received in the fellowship of the kirk to prayers or Sacraments (but to hearing the word they may) till first they offer themselves to the Ministrie, humbly requiring the Ministers and Elders to pray to God for them, and also to be intercessors to the Kirk that they may be admitted to publick repentance, and to the fruition of the benefits of Christ Jesus, distributed to the members of his bodie.[9]

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[7] Knox, *Excommunication*, 455.

[8] *BCO*, 30.

[9] *FBD*, 171.

Reflected in the above statement was an understanding of the mediatory role which the kirk session played within the course of discharging its disciplinary duties – mediating between the excommunicate and God in prayer, and the excommunicate and the godly community. Exclusion from prayer also meant exclusion from the communal singing of psalms, as the Psalms themselves were the prayers of God's people preserved and drawn upon by the faithful down through the ages. This physical lack of access to prayer symbolised the excommunicate's spiritual lack of access to God but further, prevented the possibility of contaminating the prayers of the faithful. Prayer and prepositions mattered, however: in the case of the congregation, while praying *with* the excommunicate in worship was forbidden, praying *for* the excommunicate was encouraged.

Allowing an 'impure' excommunicate to be present on those occasions when sacraments were administered risked polluting, or contaminating, the purity of the sacraments themselves. Admittance also had the potential to arouse God's anger and placed the entire community in potential danger. In this, the *FBD* intoned sternly that 'the sacraments appertaine to the faithfull and their seed, but such as stubbornly contemne all godly admonition and obstinately remaine in their iniquitie, cannot be accounted amongst the faithfull.'[10] Withholding the sacraments from an excommunicate also had repercussions for any children born while the offender remained unrepentant. While the excommunicate suffered from spiritual starvation through the denial of the nourishment of the Lord's Supper, the embargo on baptism prevented their offspring from entry into the community of the godly. In this, both generations were cut off from the spiritual benefits of the church, and faced a bleak future, serving to illustrate Knox's observation that, without repentance, 'the membre cut off can doe nothing but putrifie and perish.'[11]

Although it was customary in Scotland for the father to present his child for baptism during worship, other provisions could be made in the case of an unrepentant excommunicate; the child was not altogether lost. Even so, these provisions

[10] *FBD*, 170.

[11] Knox, *Excommunication*, 463.

emphasised both verbally and visually the separation of the excommunicate from the rest of the community. The procedure outlined in the *FBD* enabled 'the mother, or some of his speciall friends, members of the Kirk,' to 'offer and present the child.' Upon bringing the child for baptism, these parties were further required to make a speech 'abhorring and damning the iniquity and obstinate contempt of the impenitent' before the watching congregation.[12] Outwith worship, excommunicates were denied access to the ecclesiastical courts and were not permitted to hold any church office such as elder, deacon, reader, or minister – positions of spiritual leadership within the community.[13] If unrepentant upon death, excommunicates were refused burial on consecrated soil, powerfully symbolising the eternal separation of the offender to all. Evidence of this latter practice is seen in the following record from the Synod of Fife, which declared that:

> no excommunicat persone yat deparirtis excommunicat be eardit within ye buriall of ye faithfull bot yat all sic personis as desyrit not ye socieitie of ye faithfull quhen yai war leweand be nocht participant of yair cumpany quhen yai ar deid.[14]

Although excommunication symbolised the spiritual severing of an offender, social transactions were also affected. The *FBD* expressly forbade members of the community, 'his wife and family onely excepted,' to have any dealings or interaction with an excommunicate. To ensure clarity, prohibited activities such as 'eating and drinking, buying and selling; yea in saluting or talking with him' were listed.[15] Limited conversation was permitted, but only when allowed by the session, 'that he, by such meanes confounded, seeing himself abhorred of the godly and faithfull, may

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[12] *FBD*, 170.

[13] A record from the Synod of Fife, written close to the time of the *Excommunication*, declared: 'it is inhibit and straitlie forbiddin yat ony excomunicat persone be admittit to ye communioun or participatione of ye sacramentis not to ye socieitie of ye faythfull pepill of God in commoun praying or wyerwys except onlie in hering of Goddis Word to ye effect yat yair by yai may be mowit to repentance and reconciliatione to God and his kirk. And siclyk na excomunicat persoun be chosin or permittit to wse ye office an ane elder or deacoun or ony wthir publict office in ony congregatione.' Dunbar, 'Early Record', 229-230.

[14] Dunbar, 'Early Record', 237.

[15] *FBD*, 170.

have occasion to repent and so to be saved.'[16] Discipline, as ever, was focused upon reconciliation with God, and neighbour.[17]

The most extreme forms of social exclusion could be effected when both the ecclesial and civil courts worked in conjunction; an offender could be put to the horn, or banished. A magistrate could pass a sentence of horning if an excommunicate had committed a serious civil offence, effectively outlawing the offender and denying them the comfort and company of their family; the sentence also included the confiscation of the offender's property and moveable goods by the king. The sentence was symbolised in sound by three blasts of the horn by the king's messenger at the market cross. Alternatively, the banishment of an offender by a session or presbytery without excommunication was, 'by implication, a declaration that they had no hope of bringing the offender to repentance and now washed their hands of him.'[18] The latter also served to underscore the chief intent of excommunication – repentance and reconciliation. Rather than a demonstration that all was utterly lost, excommunication was a demonstration of hope in the extreme mercy of God, who could, even at the last, 'tuiche the hart of the offendar.'[19]

The spiritual and social exclusion that being 'abhorred by the godly' brought about fed into an overarching aim to instil in the excommunicate (and, indeed, the godly themselves) a sense of horror which would encourage contrition. This horror emerged as the excommunicate, given a foretaste of earthly isolation, contemplated the possibility of eternal exclusion. Ideally, an excommunicate's horror at their own unholiness when faced with God's holiness produced a sense of remorse as the excommunicate reflected upon the gravity of their situation. Echoing the *FBD*, the theme of horror was taken up by the *Order of Excommunication*, which declared that

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[16] *FBD*, 170.

[17] The Synod of Fife stated that refusing to reconcile was an excommunicable offence. See further Dunbar, 'Early Record', 230.

[18] Margo Todd, "'None to haunt, frequent, nor intercommon with them": the problem of excommunication in the Scottish Kirk', in *Dire l'interdit: the vocabulary of censure and exclusion in the early modern Reformed tradition*, ed. Raymond A. Mentzer, Françoise Moreil, and Philippe Chareyre, Brill's series in church history vol. 40 (Leiden: Brill, 2010), 233.

[19] Knox, *Excommunication*, 451.

excommunication was exercised upon the stubbornly impenitent 'that their impiety may be haldin in greater horror, and that they may be the moir deeply wounded, perceaving themselfes abhorred of the godly.'[20]

The sense of horror surrounding excommunication also affected the godly: it was the only appropriate response of the pious in the face of impiety. The version of the *BCO*, as found in Knox's *Works*, ends its section on discipline with Revelation 18:4-5 which exclaimed:

> Come forthe of Babylon my people, that ye be not partakers of her synnes, nor receyve of her plagues, for her synnes are gone up to heaven, and God hath remembered her wickednes.[21]

This cry to 'come forthe' was a reminder to the godly of the horror of God's judgement upon those who remained in the company of the 'Babylonian' ungodly as well as a reminder of their own fallen nature. Remaining in 'Babylon' showed an acceptance of, and a participation in, sinfulness; it was constant exposure to the infection of sin both personally and communally.

As noted in Section Two, the process leading to excommunication was lengthy. The public threat of excommunication was the last of the six disciplinary stages over what could be a period of weeks, or months, depending upon the efforts made by the Kirk to encourage the offender to repent.[22] Thereafter, the time scale from threat to sentence, if strictly enforced in accordance with the instructions given in the *Order of Excommunication*, was a month.[23] After the initial threat of excommunication, a further three Sundays were required, on each of which the offender was publicly admonished and encouraged to submit to discipline, and prayed for by the congregation. The sentence of excommunication could only be pronounced if the

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[20] Knox, *Excommunication*, 449.

[21] Knox, *Works 4*, 206. This edition was the 1556 *Forme of Prayers* from the English-exile congregation in Geneva. The Sprott version concludes with a précis of Matthew 18:17: 'If any refuse to hear the Congregation, let him be to thee as a heathen and as a publican.' *BCO*, 30.

[22] See Section Two, 89ff.

[23] The process outlined in the *FBD* is shorter by three weeks as it did not have a separate three-stage process of excommunication as in the *Excommunication*. Instead, the offender was excommunicated on the Sunday that the *Excommunication* had allocated to threaten the beginning of the stages of excommunication. See discussion below, 190ff.

offender still remained impenitent after this three-week period had elapsed. Time-scales could vary for excommunication depending upon the efforts of the Kirk to effect reconciliation with God and the community. As shown in Chapter Ten below, in the case in 1564 of John Biccarton of St Andrews, the time scale from threat to sentence of excommunication was six weeks, whereas in the first decade of the seventeenth century, the ongoing process between the Kirk and George Gordon, 1st Marquess of Huntly, dragged on over several years.

There were several primary factors at play concerning the apparent reluctance to excommunicate impenitent offenders that went beyond the sense of horror noted above and which reflected a criticism of church practice prior to the Reformation.[24] The frequency with which excommunication had been invoked and, further, the use of what was essentially a spiritual tool for the curing of souls in secular matters pertaining to money and property had helped to dull the edge of this particular disciplinary sword.[25] In an attempt to distance itself from previous practice the *BCO* highlighted the dangers of appearing over-ready to excommunicate offenders, giving caution that the church 'seem not more ready to expel from the Congregation, than to receive again those in whom they perceive worthy fruits of repentance to appear.'[26]

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[24] See further Todd, 'None to haunt', 219-235.

[25] The Scottish Reforming Council of 1552 highlighted just how ineffectual excommunication had become, noting in Statute 247 that this 'severest of all the church's censures, has in many places become almost of no account.' *Statutes*, 140 and also McKay, 'Parish Life in Scotland', 237–267. In Hamilton's *Catechism*, a therapeutic understanding of excommunication is noted: 'excommunicatioun is nocth gevin to thame as ane destructioun, bot as ane medicyne for thair correctioun, that be sic exclusioun, thai beand eschamit for thair falt, and also that thai ar private the particpatioun of the meritis of Christ gevin be the sacramentis and also the meritis of the kirk, may returne to the obedience of the kirk, and be excommunicatioune as be ane medicinabil correcioun may amend thair lyffis, and amang the chrising pepil leif lyk chrisin men.' Hamilton, *Catechism*, 234. Regarding the muddying of ecclesial and secular waters, a case in point was Archbishop Gavin Dunbar's use of excommunication upon those who had moved the march stones on his lands and encroached on part of his property. Demonstrating just how mundane a matter excommunication had become, a general announcement of excommunication was to be read in parishes quarterly, amongst which the non-payment of teinds was listed as an offence. See #366 in *St. Andrews Formulare, 1514-1546*, vol. 2 eds. Gordon Donaldson and C. Macrae (Edinburgh: Stair Society, 1942), 57 and *Statutes*, 6. In the first decades after Protestant reform, there was an active policy of disentangling spiritual and civil jurisdictions, which included a move away from clergy working within the civil courts.

[26] *BCO*, 30. Two particular exceptions of note to the general practice were: just prior to the Wars of the Congregation, 22 May 1559, in which a threat was made to excommunicate those Lords who had left the congrgation during 'extreme necessity,' and the case of the Gillone riot in Edinburgh on 11 May 1561. See John Knox, *John Knox's History of the Reformation in Scotland*, ed. William Croft Dickinson, vol. 1 (London: Thomas Nelson and Son, 1949), 169, 359.

Lastly, as suggested by the Knoxian phrase the 'uttermost remedie,' the process of excommunication was to be embarked upon only after every other disciplinary avenue was explored.[27] In this, the courts of the Kirk took to heart the regulations laid out in the *FBD*, which recommended that 'the order and proceeding to excommunication ought to be slow and grave.' The ecclesial courts were expected to do everything in their power to win the penitent back from sin, including the drafting in of 'the most discrete and nearest friend of the offender to travell with him to bring him to knowledge of himselfe, and of his dangerous estate.'[28]

While the causes for, and consequences of, excommunication have been noted, the actual catalyst providing the opportunity for the impenitent offender's heart to be touched was the public performance of excommunication itself. Symbolising the severing of the excommunicate's relationship with God and the community, the ritual of excommunication was performed within the framework of worship, the central place where the community gathered and affirmed their allegiance to God.[29] Prior to the publication of the *Order of Excommunication* in 1569, however, readily available official guidelines concerning how to conduct an excommunication were minimal. In the *BCO*, the rationale for, and stages of, discipline were given with excommunication being shown as the end-point of the process. The *BCO* notes that 'when other remedies assayed proffitt nothinge, they must procede to the Apostolicall rodd and correction as unto Excommunication (which is the greatest and last ponishement).' No actual instructions are provided in the *BCO*; however, it does state that 'nothinge be attempted in that behalf without the determination of the whole Churche.'[30] Explicit within this instruction was that the sentence and performance of excommunication could only occur in consultation with the wider community, not at the whim of any individual.

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[27] Knox, *Excommunication*, 455.

[28] *FBD*, 167, 169.

[29] A description of the ritual performance of excommunication as practised prior to Reform in Scotland is found in *Statutes*, 2-8. The only element in any way similar to later Protestant practice was the liturgical timing of the pronouncement of the excommunication; after the sermon.

[30] *BCO*, 30.

As with the *BCO*, information concerning the actual performance of excommunication is scant in the *FBD*, and after a more expanded account of the disciplinary stages, the matter of excommunication again appears as the end-point.[31] One specific performance detail, however, concerns the manner in which the sentence was to be carried out: 'by the mouth of the Minister and consent of the Ministry and commandment of the Kirk.' This three-part phrase emphasised the point made in the *BCO* that excommunication was both a public and a communal act. Having been proclaimed within worship, the sentence was then 'published universally throughout the Realme, lest any man should pretend ignorance,' ensuring that while one could run, one could not hide.[32] The lack of guidelines in both the *FBD* and *BCO* appear to demonstrate an assumption on the part of the writers that the practicalities of excommunicating and receiving an offender were widely known. This assumption was incorrect.

A template for excommunication: *the Order of Excommunication and of Public Repentance*

A note contained within the minutes of the General Assembly on 25 June 1567 indicates that it had been deemed necessary to put some guidelines in place to assist the process of excommunication. The record states that a group had been appointed to 'revise the order of excommunication penned by Mr [John] Knox.'[33] The printing of the *Order of Excommunication* was authorised by the General Assembly on 9 July 1569, and the text published that same year.[34] Underlining the need for a readily available liturgical guideline, the *Order of Excommunication* explained in a note that while the 'causes als weill of publict Repentance as of Excommunicatioun, ar sufficientlie expressed' in the *FBD*, a form and order were 'not so set furth.' The note further:

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[31] *FBD*, 169.

[32] *FBD*, 170.

[33] *APGA 1*,119.

[34] The delay between the initial request for and the eventual publication of the *Excommunication* may have been due to the abdication crisis and subsequent civil war.

> that everie Church and Minister may have assurance that they agree with utheris in proceiding, it is thoght expedient to drawe that Ordour which universallie within theis Realme shal be observed.[35]

In effect, what had been created was a template to facilitate uniformity of practice throughout Scotland.

Woven throughout the *Order of Excommunication* were the twin threads of excommunication and repentance, reflecting the prevailing understanding that the act of excommunication was intended to effect reconciliation. The Knoxian phrase noted earlier, the 'uttermost remedie,' reflected the traditional therapeutic understanding of sin as a disease to be cured by the spiritual medicine of discipline. Excommunication was the ultimate cure – radical soul-saving surgery. The period of excommunication was a time of enforced reflection for the offender, in which they were to:

> deiplie consider how fearefull it is to fall in the hands of the eternal God, that by unfained repentance he may apprehend mercie in Jesus Christ, and so avoid eternal condemnatioun.[36]

If, after this time, an excommunicate approached the Kirk and agreed to underlie discipline, restoration occurred subject to completing the allotted satisfaction in the face of the congregation. Further, implicit in the telling word 'remedie' was not the fact that all was lost but, rather, that all could be gained.

The *Order of Excommunication* was subdivided into two distinct sections according to the type of offence committed. The first section considered the treatment of offenders who had committed capital crimes, while the second addressed the treatment of impenitent offenders who had committed lesser crimes.[37] Instructions were given in both for the performance of excommunication and the subsequent reception of a penitent offender. As already noted in Section Two, capital crimes were assumed to have entered into the wider public domain. Given the seriousness and public nature of these offences, these were the only instances in which the

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[35] Knox, *Excommunication*, 449.

[36] Knox, *Excommunication*, 455, 451.

[37] The reference for capital crimes is taken from the Levitical code rather than extant civil law.

possibility of summary excommunication was entertained. Even so, prior to the sentence being passed, an offender was given the opportunity to 'answer for himself, why the sentence of Excommunicatioun should not be pronounced publiklie againis him.'[38] The offender was given due notification concerning the time and place at which they could give their defence. Offenders who chose not to appear before the session at the prescribed meeting, including those who had become fugitives, were to be excommunicated in absentia during worship.[39]

Excommunicating a capital offender

In contrast to the subsequent form for excommunication later in the document which was also more didactic and wordy in style, the initial form of excommunication in the case of a capital offence was markedly succinct. If the offender was an absent fugitive, providing any last-minute opportunity for them to consider their sinful state was rather pointless. Prior to the sentence being passed, the *Order of Excommunication* again noted the requirement that the sentence of excommunication was only to be pronounced in the public arena. A short instruction in the *Order of Excommunication* acted as a reminder: 'the minister in publike audience of the pepill, sall say,' after which no further stage directions were provided. The style of address to be used followed a logical progression: beginning with the naming the offender, to which was added mention of their former membership in Christ's body prior to falling – the offender had been 'reputed and compted for a Christian' through baptism. Commenting on the current spiritual state of the offender, it was observed that they had 'fearfullie fallin from the society of Christ's body.' The statement demonstrated that the ritual of excommunication was a symbolic representation of what had already occurred: through the offence committed and by the subsequent impenitence shown, the offender had already removed themselves from the community. The form then continued by naming the offence publicly, reiterating its gravity, and then addressing the fitness of the punishment in light of the severity of

[38] Knox, *Excommunication,* 450.

[39] An offender who had caused a person's death but who had either been pardoned or made a private settlement was not excommunicated unless impenitent. In such cases, the session encouraged the offender 'to enter into consideration with himself, how pretious is the lyfe of man before God,' and to submit to discipline as a willing demonstration and proof of genuine repentance. Knox, *Excommunication*, 450.

the offence. It was further noted that employing this last disciplinary measure brought with it a sense of profound bereavement, being performed 'with grief and dolour of our harts.'[40]

Moving inexorably onward to the excommunication itself, the congregation were reminded of the sentence to be pronounced and what it entailed, and the offender was once again named. The offender now stood on the brink of excommunication, with the minister poised to draw the spiritual sword on behalf of the community. In this act the offender would be severed 'from the society of Christ Jesus, from his body the Church, from participatioun of sacraments, and prayers with the same.' The authority for the act was given within the sentence of excommunication itself: 'in the name and authoritie of the eternal God, and of his son Jesus Christ, we pronounce the said N. excommunicate and accursed in this his wicked fact.'[41] Attention was then turned upon the congregation who were charged to treat the offender as an excommunicate until either the offender had been duly punished (by death) through the civil courts, or upon the offender's reconciliation with the community by the completion of public repentance. The congregation were further urged to pray, rather pointedly, for the civil authorities to 'punish such horrible crymes, that malefactors may fear to offend, evin for feare of punishment.'[42] Demonstrating that reconciliation was the desired aim of the excommunication, guidelines were then provided to aid the reception of a penitent capital offender back into the godly community.

The stages of excommunication in non-capital cases: stage one

Moving to the procedure employed for non-capital offenders, the *Order of Excommunication* outlined the six stages of the disciplinary process and provided opportunities at each stage for repentance before returning to the process of excommunication. The first of the three-stage process was initiated the Sunday after the offender had been publicly threatened with excommunication from the pulpit

[40] Knox, *Excommunication,* 451.

[41] Knox, *Excommunication*, 451.

[42] Knox, *Excommunication*, 451.

assuming they subsequently remained impenitent. Even then, the *Order of Excommunication* makes explicit that this stage was to begin only after the minister had been 'charged by the Session or Elders.'[43] The *Order of Excommunication* instructed the minister to address the congregation after the sermon, the usual place within the liturgy for both making announcements and the performance of discipline. While the suggested script served as an announcement of what was about to occur, it also provided an opportunity to instruct the faithful. The initial preamble effectively set the scene, noting that due process had been observed, that every effort had been made by the members of the session to 'encourage' the offender to repent, and that the process was transparent – what had occurred was 'not unknowen' to the congregation. This first rhetorical volley was designed to highlight to all that everything had been undertaken with due diligence, and further emphasised the stubbornness of the offender.

Serving as a reminder to all of what was about to occur, the next section of the speech instructed the minister to inform the congregation that they were about to 'give the said N. into the hands and power of the devill, to the destruction of the flesh.' As the faithful could not 'wink anie longer at the disobedience' of the offender, a consideration of the reasons for embarking upon excommunication followed. Both reasons concerned preservation: in the first instance, the preservation of the flock from infection, 'that his example infect and hurt uthers.' The latter reason given was that excommunication preserved the offender from the possibility of eternal punishment, 'that fearfull condemnation that shall fall on all inobedient in the day of the Lord Jesus.'[44]

Having stated the reasons for excommunication, the *Order of Excommunication* outlined the authority for pronouncing. Excommunication was primarily done in accordance with the command of Christ. Those who were disobedient and chose not to 'hear the voyce of the Church' were to be treated as 'ethniks and publicanes' with

[43] Knox, *Excommunication*, 461.

[44] Knox, *Excommunication*, 461.

specific mention that this applied to 'not one or two, but the whole Church.'[45] A further explanatory note was offered, the offender was to be regarded 'as one cut off from the bodie of Jesus Christ, and unworthie of anie societie with him, or with the benefites of his Church' and to continue to do so until 'his new conversion and receaving againe.'

Further scriptural authority for excommunication was provided by citing the example in 1 Cor. 5. The purpose of excommunication was given in another didactic aside. Excommunication ensured good order in the community of the faithful, provided a means by which offenders could find comfort and restoration, and removed the disobedient according to God's command. The language of infection was again employed: 'we ought to expell from the societie of Christ's body such as be striken with spiritual leprosie.'[46]

As the speech moved into its end-phase this brief aside referring to infection was then further addressed. Excommunication purged the church 'of open wicked doers' in order to prevent the possibility of scandal. It encouraged obedience, and it had a pastoral context. This pastoral note does not refer to the well-being of the offender, but rather to the community of the faithful and the pastoral obligation to keep the flock away from the source of infection. Just as it was considered:

> uncharitable and cruell to joyne together in one bed persones infected with pestilent or uther contagious and infective sores, with tender children ... so it is no lesse crueltie to suffer amonges the flock of Jesus Christ such other obstinat rebells.

The biblical text used to underpin the argument was Galations 5:9, 'a little leaven corrupteth the whole masse.' A delay in the excommunication process was then announced. During this time, usually a week, an opportunity was given for anyone to air objections either by appearing before the session or approaching 'some of the Ministeris or Eldaris' and informing them. The delay further ensured that the

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[45] Knox, *Excommunication*, 461. These two terms are used in Matthew 18:17. An 'ethnik' denotes a heathen or pagan while 'publicanes' denoted Roman tax collectors. Knox appears to ignore the Greek text which would have used the terms *ἐθνικὸς* and *τελώνης* and employs the Latin combination 'ethnicus et publicanus.' This would follow the Vulgate, evidence perhaps that Knox had memorised this version in his head and was doing 'free' translation on the hoof.

[46] Knox, *Excommunication*, 461.

excommunication was performed in full knowledge and by the consent of the whole community to avoid any accusations that 'we shuld seme to usurpe power owir the Church.'[47]

Following the address, the minister led the congregation in public prayer 'for the obstinat' which was, again, strongly didactic in nature. The prayer began by extolling God's mercy, followed by a recounting of the Fall. The congregation were reminded that even while Adam was 'so dead in sinne, and thrall to Sathan, that he could nether confesse his offence, nor yit ask mercy for the same', God, in grace and mercy, 'gave unto him a new lyfe and strenth to repent.' After the congregation had been reminded of their own fallen nature, the prayer focused upon the impenitent offender, interceding on his or her behalf and identifying them as one of God's children through baptism. God was reminded (!) that due process had been followed to reach this point.

A further intercession for the offender provided a teaching opportunity for the congregation, who were showered with examples of God's wrath upon those who had sinned, and of their subsequent repentance: the examples of David, Manasses, and Peter were recounted. The prayer reasoned that, as God had changed the heart of David, so the offender's heart could also be pierced. The greatness of God's mercy was further demonstrated through the turning of Peter's heart, even when 'feirfullie, with horrible imprecationis, he had thrise openlie denyed him'; God could forgive the most extreme offender. Aimed at encouraging offenders to repent and be reconciled, the language of fear was once again employed. Moved to repent due to a growing awareness of 'how feirful and terrible a thing it is to fall into thy hands,' the 'unction of thy Holy Spirit' would lead the offender to 'unfeanedly convert' and submit to discipline. Bringing the faithful more actively into the performance once more, the prayer finished with the congregation reciting the Lord's Prayer.[48]

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[47] Knox, *Excommunication*, 462.

[48] Knox, *Excommunication*, 462-463.

Excommunication, stage two: the second Sunday

The format for the second Sunday was similar to the first; however, after the sermon and prior to making a speech, the minister was instructed by the *Order of Excommunication* to address the elders and deacons 'in audience of the hole Church.' A seating plan was also suggested ensuring the highest visibility and audibility; the elders and deacons were to 'sit in an eminent and proper place, that there answer may be heard.'[49] After naming the offender and reminding all of the stage that had thus far been reached in the process, the minister asked the elders and deacons if the offender had 'offered his obedience' to them, either in person or through a proxy. A note inserted into the script indicates that an immediate response, whether positive or negative, was required. In the event of a negative response, the minister was instructed to make a speech to the congregation followed by a prayer for the offender, as in the previous week.

While the emphasis had been on God's mercy the week before, this second, shorter, speech immediately moved to the horror of separation from God and the community. In order that there could be no doubt about what excommunication was, the minister outlined to all the implications of separation. The authority to pronounce the sentence of excommunication was touched upon briefly by a reference to the power of the keys. The 'sentence, lawghfullie pronounced on earth' was 'ratified in heaven' and done through 'bynding of the same sinnes that they bynd on earth.' Couching the message in fear-filled language to concentrate the mind of the offender, the speech moved on to expound the dangers of being cut off. Death and damnation awaited and would be visited not only upon the offender, but upon their descendants. Moving to specific examples of individual punishment, the speech noted the cursing and perishing of the fig tree in the Gospel, followed by the story of the cursing and death of Ananias and Sapphira in the Book of Acts. Having noted examples from the past, the speech observed that 'the same God and Lord Jesus, with the power of his Holie Spirit ... wirkis evin now in the Ministerie of his Church.' This served simultaneously to underline the power and wrath of God, and the power given by God to the church to unleash or stay judgement. The speech ended with a charge to the audience; those who knew the offender were ordered to 'declair unto him these

[49] Knox, *Excommunication*, 463.

dangers and will him not to tempt the uttermoist.'[50] The prayer from the previous Sunday was to be used again.

Excommunication, stage three: the last Sunday

On the final Sunday, the *Order of Excommunication* instructed the minister to repeat the question asked to the elders and deacons the previous week regarding the offender's repentance. If the offender remained impenitent the minister recited all that the offender had done and recounted, in detail, the efforts made by the session to encourage repentance –

this, to demonstrate that all had been carried out with due diligence. Upon completing the narrative, the minister asked the elders and deacons to verify his statement. Subject to a last-minute plea by someone acting on the offender's behalf, the final speech was then given by the minister.

The shortest, and bluntest, of the three speeches immediately focused upon the act at hand, excommunication. The faithful community were about 'to geve over in the handis of the Devill, this foirnamed obstinat contemner.' Another reminder was given to the congregation that the offender had at one point been 'esteimed a membre of our body,' again emphasising the separation that had already occurred and which was shortly to be symbolised ritually. The faithful were further reminded that the offence was not the only reason for excommunication; it had been compounded by 'his proud contempt and intollerable rebellioun.'[51] The danger of being in any way connected to the offender and tainted by association was noted in the final sentence, as was the danger of the community becoming infected and the disease of sin spreading.

Even as the offender stood upon the precipice staring into the abyss of spiritual death, one last prayer was made. Opening with a recitation of God's mercy and of the power of the Spirit to move hearts, the prayer contrasted the humility of the

[50] Knox, *Excommunication*, 464.

[51] Knox *Excommunication*, 464.

petitioners with the hardness of the offender's heart. The community prostrated themselves and pleaded humbly on behalf of the offender in the name of Christ, imploring God to 'peirse the hart' of the offender. While this echoed the Exodus narrative which told of the hardening of Pharoah's heart, the intended outcome was, ironically, that the opposite would occur. Darkness was to be replaced 'by the light of thy grace' so that the offender's sins would be illuminated and cause remorse. Contrition would lead to confession, rescuing the offender even in these last moments from being cut off from 'thy mysticall bodie' and causing the community to rejoice in gladness at the offender's recovery. The congregation was then reminded of their own sinfulness, before the prayer made one last exhortation that that the 'impenitent brother be broght to unfeaned repentance, that so he may escaip that feirfull condemnatioun, in the which he appeireth to fall.'[52] The prayer ended with the congregation reciting the Lord's Prayer, in which the entire community asked for God's forgiveness – a reminder that all fell short of the ideal.

The sentence of excommunication

At the conclusion of this final prayer, a note in the *Order of Excommunication* instructs the minister to proceed. The minister, in the manner of a lawyer summing up at the end of a trial, addressed the congregation and informed them that they were witnesses to the obstinate impenitence of the offender. Given the evidence that had been laid before them, and of the efforts made by the session to avoid this moment, there could be no doubt that the offender had 'fallin from the kingdome of heave, and from the blessed society of the Lord Jesus.' The familiar phrase the 'dolour of our hartes' was employed by the minister to demonstrate the sorrow that the task of excommunication caused the community. Serving as a useful catechetical opportunity, a further reminder was given to the congregation concerning the authority by which the church was able to pass the sentence of excommunication. To this was added the explanation that what was being performed was both a dominical command and in accordance with apostolic practice. Prolonging the drama further, another reminder of what excommunication entailed was given along with a reiteration of the statement that this was done 'not out of our awin authority, bot in the name and power of our Lord Jesus Christ.' The congregation were then entreated

[52] Knox *Excommunication*, 464-465.

to ‘humblie fall down befoir him’ in prayer. On their knees, in an attitude of prayer, congregation listened as the minister finally pronounced the sentence.[53]

The structure of the excommunication prayer began with an address to Jesus, here portrayed as ‘the only and eternall King of all the chosen children of thine heavinly Father.’ This established the relationship between the community and the divine, and its covenantal aspect was brought out by the description of God the father ‘the Head and Lawgiver’ of Christ’s church. The prayer followed a didactic progression: as God had commanded the expulsion of those who ‘proudlie contemne the admonitiouns of Thy Church,’ the congregation acknowledged their willingness ‘to obey this thy precept.’ This willing obedience was demonstrated by the fact that they had ‘convened in thy Name’ to excommunicate the offender. A reiteration of what excommunication meant, the claim that it was being undertaken at God’s command and in God’s authority, and justifications for the action were recounted. Excommunication was for ‘the glorie of thy holy Name’ and for the ‘conservation and edification’ of the church; it was used as an ‘extreme remedie’ to help the offender. Within this list was a brief comment reflecting the ministerial authority given by God to those whom he had placed to lead the gathered community.[54]

After the preamble, supplication was made, asking for God’s help to carry out the task before them, and assurance for that task was found in Matthew 16:19. The sentence of excommunication was then pronounced by the minister in God’s name, and at the command of the congregation. The minister proceeded to:

> cut off, seclude, and excommunicat from they body, and from our societie, N., as one persone sclanderous, proud, a contempnar, and one member, for this present, altogither corrupted and pernitious to the bodie.

The language of binding and loosing was then employed, the act done on earth being ratified in heaven. The offender was given over to the devil ‘to the destructioun of

[53] Knox, *Excommunication*, 466.

[54] Knox, *Excommunication*, 466.

his flesh' and the congregation charged to avoid keeping their company or risk the same fate.[55]

As the prayer moved to its, literally, merciful conclusion, intercession was made on the offender's behalf that God would:

> look upon him with the eyis of ... mercie ... and so peirse ... his hart that he may feile in his breist the terrours of thy judgementis, that by grace he fruictfully may be converted to thee.

Reference was then made to the offender's reception back into the 'bosome of thy Church,' which would be done 'with the lyke solemnitie' as the excommunication. The focus of the prayer then turned to the congregation, observing that what had been undertaken was not done out of hatred for the offender but, rather, out of hatred for the offence – an early modern version of the over-used adage to love the sinner but hate the sin. Using the offender less as a bad example and more as a terrible warning, the prayer ended with a brief supplication, asking God's help to keep the faithful from falling 'to the like impietie and contempt' and to remain 'subject to the voce of thy Church, and unto the Ministers of the same.'[56]

Addressing the congregation upon the conclusion of the prayer, the minister advised them concerning appropriate behaviour towards the excommunicate. While the godly were required to shun the company of the excommunicate they were still expected to hope and pray for the offender's repentance. Conversation could occur with the excommunicate only if it was for the purpose of conversion, and was restricted to 'such as have office in the Ministrie.' This contact was seen to be temporary, and continued 'so long as hope resteth of his conversioun,' after which all were 'utterly to abhor his presence and communicatioun.' In this case, the only appropriate response was that the faithful 'more earnestly ... call to God that Sathan in the end may be confounded, and the creature of God fred from his snares by the power of the Lord Jesus.'[57] The service drew to a close with the instruction that all were to sing Psalm 101, 'or one portion thereof, as it shall pleise the congregatioun.'

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[55] Knox, *Excommunication*, 466-467.

[56] Knox, *Excommunication*, 467.

[57] Knox, *Excommunication*, 467-468.

The focus of the psalm concerned walking in obedience to God, and the final verses refer to the removal of the wicked:

> Th'ungodlie soone wil I destroye,
> Which dwell the land about:
> And from the citie of the Lord
> All wicked men roote out.[58]

Once the psalm had been sung, the minister gave the benediction and the congregation were dismissed, mindful to remain obedient or face the same fate as the offender.[59]

Although the *Order of Excommunication* provided guidelines for performing an excommunication, the appearance of an offender was not guaranteed.[60] This was not insurmountable; recognising absence as a possibility, offenders could be excommunicated in absentia. Evidence for the practice is found in a note from the Synod of Fife. Non-appearance after a third summons resulted in an offender being:

> reput and haldin as convict of ye crime quhairof he is delatit. And ye kirk sall proceid ordarlie aganis him with ye sentence of excommunicatioun till he offer hi selfe to repentance and odedience of ye kirk.[61]

Even then, however, to demonstrate good order and avoid accusations of summary excommunication, all of the stages of excommunication would have been observed. Once the extreme spiritual medicine had been administered and the offender had been cast out from the community, only time would tell if the remedy would be effective and bring about a change of heart.

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[58] 'Of mercie and of judgement both,' written by William Kethe, as in the 1564 edition of *The forme of prayers*, 297.

[59] An outline of the stages of excommunication is given in Appendix 5, Table 6, 253.

[60] In the case of warding, however, an offender might be 'assisted' by the bailies to make an appearance in the kirk.

[61] Dunbar, 'Early Record', 237.

Chapter Nine/ 'returned to our societie': the reception of excommunicates[62]

If excommunication had effected a change of heart, the success of this ultimate treatment was demonstrated to all by a public ritual of reconciliation. As with the process of excommunication, however, little practical information concerning the reception of excommunicates was available prior to the guidelines provided by the *Order of Excommunication.* The *BCO* provided no guidelines at all; however, more detailed guidelines were offered in the *FBD.* In contrast to the dearth of liturgical detail in the *FBD* concerning the excommunication process, the information supplied to assist the return of an excommunicate highlights the overall emphasis on the reconciling intent of this most extreme of disciplinary remedies. The *FBD* began with the primary stipulation for rejoining the godly. The offender needed to:

> first ... offer themselves to the Ministrie, humbly requiring the Ministers and Elders to pray to God for them, and also to be intercessors to the Kirk that they may be admitted to publick repentance, and to the fruition of the benefits of Christ Jesus, distributed to the members of his bodie.

Once the offender had made the request, the news was to be made public: the minister announced the excommunicate's change of heart to the congregation during the 'next day of public preaching.' The congregation were then told of the part that they were to play in assisting the process. Acknowledging God's grace and mercy, they were exhorted:

> to pray to God to perform the worke which he appeares to have begun, working in the heart of the offender, unfeigned repentance of his grievous crime and offence and feeling of his great mercy by the operation of the holy Spirit.[63]

A day was assigned on which the offender was to appear before the gathered assembly and confess their offence and 'contempt.'

A further clarifying note underlines that the confession was to be public, audible, and not done by proxy: 'the offender must appeare in presence of the whole Kirk, with his own mouth damning his own impiety.'[64] This was in contrast to practice prior to

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[62] Knox, *Excommunication*, 469. Liturgical overviews for the receoption of excommunicates are found in Appendix 5, Tables 7 and 8, 254-255.

[63] *FBD*, 171.

[64] *FBD*, 171.

1560, in which confession was private and could occasionally be written. After the penitent excommunicate had made their confession and humbly acknowledged the grace and mercy of both God and the congregation, they then asked the congregation 'to receive him in their society.' The process, however, had only just begun; the minister was required to undertake a thorough examination of the offender to determine that the repentance was genuine. The *FBD* required the minister to find evidence of the offender's 'hatred or displeasure of his sinne,' to test for true contrition for the offence committed. Having found suitable evidence of contrition and the desire to repent, the process then entered a semi-catechetical phase. This echoed the spirit of a confessor's questions to a penitent before the Reformation; with some differences. The offender was questioned to determine 'what hope he hath of Gods mercies,' with further examination undertaken regarding their doctrinal understanding concerning the person of Christ and of 'the vertue of his death.' Given that this occurred during public worship, the examination also provided a useful opportunity for catechising the congregation. The examination concluded, and the minister satisfied, the offender was then to be comforted with 'God's infallible promises.'[65]

At this point, the minister addressed the congregation on behalf of the penitent and:

> Demand[ed] of the Kirk if they be content to receive that creature of God whom Satan before had drawen into his nettes, in the society of their bodie, seeing he had declared himselfe pentient.[66]

Reaching the high-point in the penitential drama, the fate of the offender now rested upon the decision of the gathered faithful, exercising their role as the priesthood of all believers. If the congregation was not satisfied with the performance played out before their eyes, the penitent would remain unabsolved. A period of time to make further satisfaction would then be undertaken by the penitent during which further instruction in the ways of faith would be received.[67] If, however, the outcome was a happier one, the drama moved to its closing stages.

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[65] *FBD*, 172.

[66] *FBD*, 172.

[67] A note at the end of this section provides guidance in the case of a penitent who had not demonstrated sufficient knowledge of the faith. They were to be instructed in 'the principall points of our Religion, and chiefly in the Articles of Justification and of the Office of Christ Jesus.' To this was added the admonition that it was 'a mocking of God ... to receive them to repentance, who know

The focus now turned to God, as the minister guided the faithful in prayer. No written script was given, however a suggested guideline concerning themes was provided. The minister was to 'commend' the offender to God, after which he was to 'confesse the sinne of the offender before the whole Kirk desiring mercy and grace for Christ Jesus sake.' Following this prayer, the minister urged the congregation to receive the 'penitent brother in their favours, as they require God to receive themselves when they offend.' This was a direct reference to the Lord's Prayer, which all would have been expected to know. Thereafter, 'the Elders and the chiefe men of the Kirk' acting on behalf of the congregation signalled their agreement, symbolised by the customary ritual of shaking of hands usually employed in dispute settlements. In a further symbol of brotherly love,'one or two in the name of the rest' were to 'kisse and imbrace him with reverence and gravitie, as a member of Christ Jesus.' With this physical expression of acceptance into the community completed the minister addressed the rejoined member, warning of the spiritual warfare that lay ahead. Added to the caution that the offender was to beware 'that Sathan trap him not in such crimes' was the reminder that the struggle was ongoing. The devil would not 'cease to tempt and trie by all meanes possible to bring him from that obedience which he hath given to God and to the ordinance of Jesus Christ.' The ritual concluded with a prayer of thanksgiving for the conversion of their penitent, for the benefits and blessings bestowed upon all by Christ, and for the 'increase and continuance of the same.'[68]

Receiving excommunicates in the Order of Excommunication

The most comprehensive guidance given concerning the reception of excommunicates, and those on the very brink of excommunication, was that which was provided in the *Order of Excommunication.* Provision was made for three different forms of reconciliation. The first form was specifically concerned with the treatment of excommunicate capital offenders, while the second form was for non-excommunicate offenders who had submitted to discipline only at the last of the disciplinary stages. The reception process for non-excommunicates has already been

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not wherein standeth their remedie, when they repent their sinne.' Cameron observes that while there is no section in the *Scots Confession* outlining the doctrine of justification by faith, 'it is clearly stated in the Geneva Catechism which was authoritative in Scotland.' *FBD*, 173, n.34.

[68] *FBD*, 172.

discussed in Section Two and will, therefore, not be noted below. The third, and most detailed, form immediately followed the form for excommunication as described above and included both capital and non-capital offenders.

The reception of capital offenders

Capital offenders expressing a desire to satisfy for their offence were required by the *Order of Excommunication* to wait a period of forty days after the request had been made. The prescribed forty days echoed both Israel's forty years in the wilderness and the forty-day temptation of Jesus, and also reflected the pre-Reformation penitential periods of Lent and Advent. During this time, signs of genuine repentance were sought in order to gauge the sincerity of the offender and limited contact with selected members of the church was permitted. Those in contact were to 'comfort him be holsome admonitiouns, assuring him of God's mercy,' on the condition 'if he be very penitent.'[69] Limited access to worship was also granted: the offender was permitted to listen to the sermon, but was debarred from the prayers. If, at the end of what was effectively a probationary period, the offender had demonstrated suitable signs of contrition, the request was again made for re-admittance to the community. Subject to the approval of the session, the offender entered into the reconciliation process.

In a case that involved the death of another party, the minimum time requirement to make satisfaction was three weeks. The *Order of Excommunication* provided instructions concerning appropriate choreography, costume, props and posture, with the penitent required to:

> stand three several Sundayis in a publike place before the church dore bare-futed and bare-headed, cled in a base and abject apparrell, having the same weapen which he used in the murther, or the lyke, bloddy in his hand.[70]

[69] Knox, *Excommunication*, 452.

[70] Knox, *Excommunication*, 452. Evidence for this practice occurring prior to the *Excommunication*, is demonstrated in 1565/6, in the case of the Canongate 'murderer' Marjory Brison, described earlier in Section Two, Chapter Five, 123.

Standing outside the church by the kirk door, the penitent was required to confess the offence as the faithful passed by and into the church. To assist the process, the *Order of Excommunication* provided a suggested script. The opening statement of this kirk-door confession served to concentrate the minds of all watching the drama. The extent of Satan's hold over the offender was confessed, the offence named, and an acknowledgement given that death was the fitting punishment.[71] The confessional script then addressed the unworthiness of the separated offender and the mercy of God, and made an implicit criticism of the magistrate.[72] The purpose of the performance – the desire to rejoin the community – was stated, along with an accompanying acknowledgement that the blame for separation lay entirely with the offender: 'I most earnestlie desyre to be reconciled again with the Church of Christ Jesus, from the socieitie whereof mine iniquitie hath caused me to be excommunicated.'[73]

As this confession moved to a close, a plea was made for the congregation to pray *with* the offender that God would show mercy. This telling preposition signified a desire to tap into the access which the community had to God, as opposed to the severed offender's own lack of access. The prayer ended by observing that if God chose not to show mercy, the punishment was eternal separation:

> and therefore, in the bowelis of Christ Jesus, I crave of you to pray with me unto God, that my grevous cryme may be of him remitted, and also that ye will be suppliants with me to the church, that I abyd not thus Excommunicat unto the end.

Upon completion of their satisfaction the offender was escorted by 'certain of the Eldaris' into the church to 'present him before the preaching place', effectively putting the offender centre stage. The elders were instructed to address the minister, declaring that the offender had fulfilled all of the requirements laid down by the session. In response, the minister addressed the penitent offender. The *Order of Excommunication* did not provide a set script but suggested that the minister remind

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[71] 'So farre hath Sathan gottin victorie ovir me, that cruelly I have sched innocent blood, for the which I have deserved death corporall and eternall.' Knox, *Excommunication*, 452.

[72] 'I grant my selfe unworthy of the common light, or yit of the companie of men: And yit because in God there is mercy that passeth all measure, and because the Magistrat hath not takin from me this wretchit lyfe.' Knox, *Excommunication*, 452.

[73] Knox, *Excommunication*, 452.

the offender of both 'the grevousnes of his sin, as the mercies of God,' again with the caveat 'if he be penitent.'[74]

Widening the penitential circle of conversation the minister then addressed the congregation, asking 'if that they desire any farther satisfactioun?' Subject to the congregation's agreement, the final stages of the drama were played out. The minister, on behalf of all, was to 'pronounce his sin to be remitted according to his repentance,' after which the congregation was charged to 'embrace him as a brother.'[75] After the absolution was pronounced, the *Order of Excommunication* moved to the final part of the drama. Instructions were given for prayer and thanksgiving to be offered, with the note that specific details of both were provided at a later point in the document.[76]

The reception of both capital and non-capital offenders

The third, and most detailed form, encompassing both capital and non-capital excommunicate offenders, began with the reminder that the process of repentance commenced on the initiative of the offender, when 'they earnestlie seike the favouris of the Church.'[77] Although the initiative lay with the excommunicate offender, the control of the process was in the hands of the session, who appointed a time to meet with, and examine, the offender. Unlike the first form in the *Order of Excommunication*, no mention of a forty-day waiting period is made. An account was then given of the offender's behaviour since the sentence of excommunication, with the session looking for signs of genuine repentance and reformation of character.

Once the session was satisfied that the repentance was genuine, the process of reconciliation began in the liturgical arena. An announcement was made by the

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[74] Knox, *Excommunication*, 452.

[75] Knox, *Excommunication*, 452-453.

[76] Knox, *Excommunication*, 455-460. The said details were given in the section immediately following the reconciliation of non-capital offenders who had reached the final stage of the disciplinary process but had chosen to satisfy.

[77] Knox, *Excommunication*, 468.

minister the following Sunday to 'geve advertisement to the hole Church of his (the offender's) humiliation.' The minister was instructed to 'command' the congregation to 'call to God for increase of the same.' During the following week the session met to determine the type and length of satisfaction that the penitent was required to undertake and, upon the full agreement of the offender, a day was appointed to begin the process. Having previously prescribed a minimum of three Sundays for capital offenders, the *Order of Excommunication* directed a minimum overall time of 'at the least moe Sundayis than one.' As with the first form in the *Order of Excommunication*, the offender was to stand at the church door, the physical and symbolic entry-point into the kirk. Once the requisite time period had been completed, the liturgy for reconciliation commenced; the elders escorted the offender through the door, into the church, to the designated place for penitents immediately prior to the sermon. Both posture and costume are briefly noted, with the offender standing 'in the same habite, in the which he maid satisfaction, untill the sermon be ended.'[78]

Upon completion of the sermon, the elders were required to make a presentation speech before the minister and the *Order of Excommunication* suggested a script for use. The elders named the offender before the congregation and noted that he or she was an excommunicate. God's saving work was noted, with reference given to the 'power of the Spirit of God' who had 'called' the offender 'back again' to the community 'by Repentance.' A statement confirming the elders' belief that the offender was truly repentant 'as far as the judgement of man can persave' was made, and concluded with the elders asking that the penitent be examined 'and if his repentance be sufficient, to be receaved again to the bodie of the Church.'[79]

In response to the elders' presentation, the minister was instructed by the *Order of Excommunication* to give thanks to God for moving the offender to repent and invited the congregation to do likewise. A detailed confessional examination then took place with the minister addressing the penitent, listing the offence or offences

[78] Knox, *Excommunication*, 468.

[79] Knox, *Excommunication*, 469.

that had been committed and recounting the efforts of the session to bring the offender to repentance. Each offence was recalled individually and confessed by the offender, with a follow-up statement demonstrating the 'detestation of his impietie.' The matter of the penitent's excommunication was referred to, as was 'his proud contempt and long obstinacie' which had caused the sentence to be passed.[80] After the confession, the minister was required to make a prayer of thanksgiving and a script was provided. This short, initial prayer focused upon the themes of God's mercy and triumph over Satan. The end of the prayer acted as an introduction to a far longer prayer, which had been set out in the *Order of Excommunication* earlier.[81]

This more didactic prayer began by emphasising the reconciling purpose of discipline: far from seeking the death of a sinner, discipline was enforced so that 'he may convert and live.'[82] A summary of Christ's saving work on the cross was given, through which all those 'oppressed with the burden of sinne' would 'find favour and mercy.' The language up until this point in the prayer had referred to sinners in a detached context using such terms as 'the sinner', and 'they.' Moving from the general to the specific, the gathered community were now put under the lens as the prayer became a corporate confession spoken by the minister on behalf of all: 'we are convened ... to accuse before thee our sinnes, and ... crave mercy for the same.' To this, a supplication was added, beseeching God to 'tuich and move our harts ... that we may come to ane trew knawledge of our sinnes.' The prayer then focused upon the offender who stood before the community. The ever-decreasing circles of the prayer emphasised that all were sinners reliant upon God's grace and mercy for restoration. The congregation, acknowledging their own sinful nature, as well as God's part in their own restoration, were those best-placed to act as advocates on the offender's behalf.[83]

The concluding section of the prayer turned to godly obedience, and the community was reminded that holiness of life promoted the gospel:

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[80] Knox, *Excommunication*, 469.

[81] This is found in the second form of repentance in the *Order of Excommunication*, on 457ff.

[82] Knox, *Excommunication*, 457.

[83] Knox, *Excommunication*, 457-458.

> Give us grace, O Lord, that by holiness and innocencie of lyfe, we may declaire to this wicked generatioun what difference ther is betwixt the sones of light and the sones of darkness; that men seeing our gud workis, may glorify thee and thy Sone Jesus Christ.

The act of obedience was thus an act of witness. Godly living was a visible demonstration to the world of the difference between good and evil, of the difference between 'true' church and 'false', and further served to remind the faithful that they were engaged in a spiritual battle with the powers of darkness. Once the prayer had ended the *Order of Excommunication* directed that 'the Church and the Pentient be admonished', with an aside stating that the offender was to be reminded of the seriousness of having been excommunicated.[84]

The liturgy moved at last to the moment of absolution and reception. Further prayer was entered into, noting the power of the church to loose and bind sins. Using this power given to them, supplication was made by the congregation on behalf of the penitent asking that God look 'mercifullie upon this thy creature N. ... whom Sathan of long tyme hath haldin in bondage ... for the which his sin and contempt we war compelled to excommunicat him from our bodie.' Recognition of the offender's penitence was made and with it, a request that the offence would be now forgotten and 'never laid to his charge.' Within this prayer, the language used by the minister was communal – 'we' and 'our' – demonstrating that the former act of excommunication, and the current supplication on the offender's behalf, was performed by the priesthood of all believers. The conclusion again emphasised the spiritual struggle and prayed that, as the penitent would 'increase in all godlines,' Satan would 'finally be trodden under his feit and ours.'[85]

Addressing the penitent offender, the minister began to pronounce the absolution. A shift in language was made, from third to first person, with the minister proclaiming 'I, the minister of his blessed Evangel,' but this was immediately followed with the basis for his authority to absolve: 'with consent of this hole Ministry and Church.' A brief statement of what the offender was being absolved from followed, namely

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[84] Knox *Excommunication*, 458.

[85] Knox, *Excommunication*, 469.

'from the sentence of Excommunication, from the sin by thee committed, and from al censures led againes thee for the same.' The penitent's sin was 'loused in heavin' and the penitent 'receaved again to the societie of Jesus Christ, to his bodie the Church, to the particpatioun of his Sacramentes, and, finally, to the fruition of all his benefits.'

Immediately after the absolution had been pronounced, the minister was instructed to call the penitent 'brother' and, having done so, further admonished the penitent not to yield to temptation, and to give thanks for God's mercy. The penitent was further urged to 'shaw the frictis of his conversion in lyfe and conversatioun.' At the end of the process, the reformed offender was embraced publicly by the minister, deacons, and elders 'and such utheris of the Church as be nixt unto him.' The *Order of Excommunication* then suggested that a psalm of thanksgiving should be sung, though no suggestion was offered. The earlier form of public repentance had, however, suggested Psalm 103. As with the instruction to effectively recycle the longer prayer, presumably this psalm was also employed given its theme of thanksgiving for God's goodness.[86]

[86] Knox, *Excommunication*, 470.

Chapter Ten/ Excommunication and reconciliation in practice: case studies

The following brief case studies are provided to illustrate how the Kirk turned theory into practice. The cases chosen cover several different regions and social classes, and cover the time period of this study. The first case from St Andrews, dated 1564-5, concerns the process of excommunication and reconciliation employed by the session upon saddler John Biccarton. The record is of interest on at least two levels, in that it is a very early and detailed account of excommunication in practice, and in that it pre-dates the 1569 *Order of Excommunication*. The second study comes as a pair, and is included to note the treatment by a session of a capital crime, in this instance, adultery. The cases, both from Perth in the late 1570s and mid-1580s concern Margaret Watson and Elspet Carvor. Watson's case is included particularly for a letter written by the minister, John Row, concerning her excommunication. Carvor's case is noted to highlight the length the disciplinary process could take from the initial charge through to the final sentence of excommunication. The third study observes the attempts of the higher courts of the Kirk to discipline the nobility, in this instance George Gordon, 1st Marquess of Huntly. It is included as a case played out upon the national stage, demonstrating the tension and power struggle between King and Kirk, and further serves to illustrate the difficulties involved when disciplining a powerful magnate. The last of the studies features a minister of the Kirk charged and found guilty of adultery, Paul Methven, and is included to observe how the church dealt with its 'own.' In only one instance could the process of reconciliation be termed straightforward; the other three have several intriguing twists and turns, and not all successfully managed to make their repentance and effect reconciliation.

Case 1/ John Biccarton, St Andrews, 1564-1565

The excommunication of John Biccarton is a curious affair, curious in that Biccarton appears to be strangely inconsistent with regard to his position concerning the Protestant religion. According to the session records of St Andrews dated 22 November 1559, Biccarton was one of the signatories of a letter written in July 1559 to demonstrate solidarity with the Lords of the Congregation. The letter stated that those who agreed with the cause would:

> walk forwardt in the waiis of the Lord, laboring to
> destroy and put downe all idolatrie, abhominationes,

> superstitioness, ... and maynteyn and sett up the trew religioun of Christe, his Word and sacramentes, and alswa assist and defend the trew ministeris therof.[87]

Further, six years later, on May 10 1564, when charged with contempt of the Church by St Andrews Kirk Session, Biccarton attested that 'he had communicat at the Lordis tabyll ... and also that he had assistit the congregacion wyth his body armit in defence aganis the inimeis impugnoris of the trewth.' All indications seemed to demonstrate Biccarton's whole-hearted support for the Protestant cause and yet, in the same speech before the Session, he stated that he would 'hav nothing to do wyth yowr ordor, it is nocht grundit upon the Scriptur, it is bot idolatre inventit be the braen of man!'[88]

The wheels of the disciplinary machine initially began turning when Biccarton failed to present his child for baptism and was charged with 'contempt of the establesched ordor of the Reformed Kyrk.'[89] There is no record of any earlier intervention by members of the session – either the first disciplinary stage of a 'quiet word', or the secondary stage involving a couple of elders or deacons for further private conversation. Given the rigour of the session and its apparent attention to due process, presumably this would have already occurred.[90] Instead, we meet Biccarton already at the third stage, having been requested to appear before the session to explain to them why his child was, as yet, unbaptised. Surprisingly, given later events, Biccarton complied and appeared before the session on 10 May 1564; the meeting was not a happy one. Biccarton refused to have his child baptised and further claimed that he had not 'presented ane of my awyn barnis to baptism nor never wyll!' The writer of the session minute describes a stormy scene, noting that Biccarton walked out of the meeting 'refusand to heir the voce of the kyrk, and denyed hym to have only thing to do wyth the ministerie, or Superintendent.'[91] Given his refusal to comply, the session moved that a formal request should be

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[87] *RStAKS I*, 6-10. Biccarton's name appears on the top line of page 9.

[88] *RStAKS I*, 17, 195.

[89] *RStAKS I*, 195.

[90] The minister at the time was the radical reformer Christopher Goodman, which helps to explain the rigorous nature of the session; in addition, given his experience in Frankfurt and Geneva, he was well-acquainted with the due processes and practicalities involved in a case of excommunication.

[91] *RStAKS I*, 195.

written and passed to the magistrates to 'encourage' Biccarton's compliance. This underlined the seriousness of the offence in the eyes of the session, and also demonstrates how both ecclesial and civil authorities supported, and strengthened, each other. The record further stated that if Biccarton persisted in his defiance of the Kirk, the process of excommunication – 'the greteast and last punischment belangand to the spirituall ministrie' – would be set in motion.[92]

The overall time scale of Biccarton's excommunication, from the beginning of the recorded disciplinary process, was two months.[93] The initial stages leading to the public threat of excommunication moved quickly, with the proceedings beginning on 10 May and the threat subsequently read in the kirk eighteen days later by the deacon, George Black, on 28 May.[94] Technically, if the session had followed the time scale that the later *Order of Excommunication* had set out, Biccarton would have been due to be excommunicated on Sunday 25 June. However, due to minister Christopher Goodman's attendance at the General Assembly in Edinburgh, the sentencing was delayed by a further two weeks. On 9 July 1564, in the face of the congregation, Biccarton was formally excommunicated by Goodman six weeks after the initial threat of excommunication had been made.[95]

Biccarton's reconciliation

This 'curious' case did, eventually, come to a happy resolution which was also helpfully recorded in the St Andrews Kirk Session register.[96] Biccarton's resolve not to submit to discipline crumbled seven months later. After signifying in some, unrecorded manner, that he wished to repent, an entry in the session register recorded his appearance before the session on 7 February 1565 'to humyll hymself.' Having

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[92] *RStAKS I*, 195.

[93] An annotated time scale briefly outlining the process is provided in Appendix 6, Table 9, 256ff.

[94] Black [Blak] is later described as a 'reader' in an entry dated 31 May 1564. See *RStAKS I*, 194.

[95] It is difficult to ascertain if Biccarton was actually present at his excommunication as the session entry recounting the overall process does not mention this detail. An appearance at this point in the process, unless he suddenly wished to give notice of a change of heart, would seem inconsistent given his steadfast refusal to appear before the session after the initial meeting.

[96] Given the public notoriety of the case, the detailed record acted as evidence to demonstrate to any who might query that all procedures had been followed correctly.

acknowledged his offences, and demonstrated to the session that he was 'willing and obedient to the disciplyn of the kyrk,' an announcement was made by Goodman during worship after the sermon on Sunday 11 February. This announcement served several functions: Biccarton's repentance was a cause for communal celebration and rejoicing, and gave notice to all that they would shortly be able to interact with him again both spiritually and socially. Both, however, were on the proviso of the third aim of the announcement, which was to give members of the community the opportunity to inform the session why Biccarton should not be allowed to underlie discipline. Potential objectors were instructed to appear before the next meeting of the session the following Wednesday, 14 February. In the absence of objections, the session, 'wyth glad hartis in name of the holl kyrk,' admitted Biccarton to the disciplinary process.[97]

The record indicates that the time period given for Biccarton's repentance process was remarkably brief, as seen in Table 10.[98] Biccarton was required to appear before the congregation on only one Sunday, as opposed to a probable minimum of three Sundays. This shortened process was due to special circumstances. After his excommunication, the record observes that Biccarton had 'sustenit gret dampneg and disays in guddis and body, throw his awyn wyckednes and adheryng to the consall of the ongodlye, and subject instantly to ane disays and maledy.' No further information is given in the record concerning this. In light of Biccarton's previously good record, it is difficult to account for behaviour which was seemingly so out of character. Regardless of the cause, the illness suffered by Biccarton after his excommunication would certainly have been seen by all as a visitation of God's wrath upon an impenitent offender.

On Sunday 18 February, Biccarton appeared in the church 'at the end of the sermon befoir nuyn' to make his repentance and be reconciled with God and the community. The minister repeated Biccarton's offences 'brevely,' after which Biccarton made his confession and promised 'obedience in tym cuming to the lawfull ordinance and

[97] *RStAKS I*, 205-206.

[98] See Appendix 6, Table 10, 257.

voce of the kyrk.' In the well-understood symbol of humility, Biccarton lowered himself before all and, kneeling, asked both God and the congregation for forgiveness. Arising from his knees, Biccarton then ascended into the pulpit where the minister was standing and was greeted with the gesture of reconciliation, a hand-shake. Biccarton was then directed to the place where the appointed elders were seated together. The record notes that there, the elders 'in the name of the kyrk sall resave hym and embrace hym as thar brother to the unite of the kyrk.'[99] This particular choreography, from knees to pulpit to elders, demonstrated Biccarton's spiritual journey from the depths of sin, through the glories of being reconciled to God, to union once more with the godly community. The actions, as Dawson notes, also 'underlined the restorative side of discipline, the return to full congregational unity and the healing of the corporate body of the visible Church.'[100] Biccarton's ritual of repentance concluded with the minister offering prayers. The first prayer was one of thanksgiving for Biccarton's conversion, while the second prayer was a prayerful exhortation encouraging Biccarton to continue in the faith. These prayers were said by the minister extemporaneously 'as the Spirit of God sall move his hart for the tym.' The Spirit so moved Biccarton that he eventually served the community as a deacon in 1567.[101]

A brief comparison of Biccarton's performance of repentance with the *Order of Excommunication* official script reveals both similarities and differences. Some of these differences, or omissions, concerning detail may merely be due to the clerk taking them as 'read', such as the lack of mention regarding an assigned penitential costume. Apart from the shortened penitential time period, which demonstrated the pastoral nature of the session in the face of Biccarton's distress, the St Andrews account makes no mention of Biccarton standing outside the church door prior to worship. There is, however, circumstantial evidence that this was probably the case given that he was brought in by the elders at the time of the sermon. Further, no presentation speech by the elders is noted at the point where Biccarton stood before the congregation nor is there any mention of an initial prayer of thanksgiving by the

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[99] *RStAKS I*, 206.

[100] Dawson, "Ane Perfyt Reformed Kyrk", 430-431.

[101] *RStAKS I*, 206, n.1.

minister. In the St Andrews account, the record proceeds immediately to the recalling of offences by the minister and Biccarton's confession. Significant also by its omission is any account of the prayer of absolution. On the other hand, given that the minister called Biccarton up to the pulpit to shake his hand (in what was the best place to be seen in the building), and that the elders embraced him as a brother, it would appear that the clerk writing the record has, as suggested above, taken this particular detail as 'read.' Even so, it is odd that the final prayer of thanksgiving and encouragement to continue in the faith has been recorded and not the absolution. Although a different type of record to the *Order of Excommunication*, this valuable piece of evidence serves to demonstrate that the process outlined in the authorised and printed script of 1569 had already been in use, at least in St Andrews.[102]

Case 2/ Adultery in Perth: Elspeth Carvor, March 1578, and Margaret Watson, April 1585

Elspeth Carvor's journey to excommunication was a very long one indeed, and a brief textual note is in order here. Elspeth Carvor first appears in a minute of the extant records of the Perth Kirk Session register on Monday 31 March 1578. The volume of the Perth Session records in which Carvor's case is noted begins in the early part of 1577; however there appears to be an earlier missing volume. If, as Todd surmises, Carvor's case is recorded in the lost volume, it would mean that her offence would have occurred over a year before the March 1578 entry. The session appears to have therefore taken the obligation to 'travaill' with the sinner to great lengths. Carvor may have given cause for such hope, but nevertheless, as Todd observes, this suggests a great deal of patience on their part.[103] The March 1578 entry notes that Carvor 'promiessis to begin hir repentance on Thuriday or Sonday nixt under the paine of banisment.'[104] Thursday and Sunday were the main preaching days in Perth, meaning that Carvor's repentance was to be performed in the public eye. Her offence and ongoing lack of repentance were also deemed serious enough to issue the extreme threat of banishment, meaning that she would

[102] A liturgical outline of Biccarton's recconciliation process is provided in Appendix 6, Table 11, 258.

[103] *Perth*, 85, n.5.

[104] *Perth*, 85.

not be allowed contact with members of her family and, if a family member did come to her aid, they risked serious fines and the threat of also being banished. At this point, Carvor's offence is unknown to the reader.

A fortnight later, in a minute dated 14 April, Carvor is listed amongst a group of named adulterers who had yet to satisfy for their offence and who were 'to be admonissit be the minister to the same effect under the pane of excommunication.'[105] This first warning was not heeded by Carvor, and the session meeting on 19 May initiated the process of excommunication. If the session were acting in accordance with the procedure set out in the *Order of Excommunication*, the announcement of the intent to proceed to excommunication should have been made the following Sunday on 25 May. This would have resulted in the third and final Sunday falling on 15 June, however, the session appear to have given Carvor an extra couple of weeks to reconsider. On Sunday 29 June 1578, Carvor was publicly excommunicated from the church a full six weeks after the process began. No mention of the actual excommunication ritual is made in the session record.

If the journey to excommunication had been long, Carvor's road to reconciliation was as dramatic as it was drawn out. Following her excommunication in June 1578, Carvor reappeared in the session records just over a year later, on 20 July 1579. It transpired that during the course of the year, Carvor had decided to escape the constrictions of excommunication by turning fugitive. Without a testimonial from the kirk session and with no-one to harbour her, however, this course of action would have been both difficult and dangerous; at the least, she would have had trouble finding work and shelter. The July minute indicates that Carvor was at last prepared to submit to discipline; however there is no clerical annotation to indicate that she did.

On 22 September 1579, a note appears in the register indicating that Carvor's attempts to make her satisfaction had become bogged down. Appearing before the session she admitted to fornication with James Walcar. The session put her in the

[105] *Perth*, 86.

tollbooth and ordered her to separate herself from Walcar or incur a fine of £40 for pious uses. Carvor was later discovered attending church in Kinnoul apparently hoping to obtain a testimonial from the session there and leave the area. On 7 March 1580, the Perth session requested her expulsion from the church in Kinnoul until she had completed her repentance for her initial offence of adultery with Jhone Scot in 1578.[106] Two and a half weeks later, in a minute from 29 April 1580, the terms of Carvor's repentance were reiterated; she was to separate herself from Walcar until her penance was completed, and thereafter was to marry him. She was further required to 'continew in hir repentance' and forbidden to be 'absent wythout leif,' the canny session now well-used to this elusive offender. Astonishingly, given her poor track record, Carvor found a cautioner brave, or foolhardy, enough to pay the £10 fine set in the event of her defaulting the conditions of her satisfaction. The minute notes Walcar's offer to repay the cautioner, in the event of Carvor defaulting; this seems only fair given Walcar's involvement with Carvor.[107]

Carvor's reconciliation

Seemingly, the Perth Session was in no mood to allot Carvor the minimum three Sundays required by the *Order of Excommunication*. Carvor continued along the penitential path for at least six months before appearing once more before the session. The minute of the session meeting, dated 31 October 1580, described Carvor's failure to keep to the terms previously agreed and, unsurprisingly, Walcar's name also featured. Carvor confessed that she had ben 'eating, drinking, and lying wythin ane rouf wyth hym, sence the act was maid.' That Carvor was still underlying discipline can be deduced by the session's previous requirement for her to marry Walcar upon completion of her repentance; clearly at the time of this minute, they were not yet married. Given the agreement had been broken, Monypenny the cautioner was required to pay the £10 fine, and there is no record indicating whether Walcar kept his promise to repay Monypenny. The session ordered Carvor to 'stand thre several Sondayes in the stoul of repentance, in sekcloth and to stand at kyrk dor frome secund bell to the third.' The clerk later annotated the entry, remarking that 6d

[106] *Perth*, 133, 146.

[107] *Perth*, 150. In light of the relationship, it appears that the session was unwilling for Walcar to act as cautioner.

had been received. This clerical annotation infers that Carvor had finally completed her long and winding road to reconciliation.[108]

A post-script to Carvor's story is found in a later record, dated 18 January 1585. The minute records Walcar's appearance before the session. At this point, Walcar and Carvor had married and he had been called to give good reason for not having had his child baptised. It transpired that Walcar suspected that he was not the child's father. Given that Walcar was still living with Carvor, the session ordered him to have the child baptised and further admonished him to attend worship. Carvor was chastised by the session and warned 'that gif sche be fund in suspect companie that the kirk will proceid agans hir as ane adulteres.'[109] Clearly, regardless of the repentance process blotting away past transgressions, Carvor's reputation had not been forgotten.

Watson's excommunication

Margaret Watson had been charged twice for adultery and in the course of both relationships had given birth to children who had subsequently died. Watson initially appeared in the session records on 5 January 1578 confessing to adultery with Jhon Rynd, with the record noting that she had submitted to discipline.[110] Watson reappeared in a minute scant in detail on 16 April 1582, which states that she was to be warned again the next day. An entry dated 10 May 1582 fills in the missing detail; Watson confessed to committing fornication with Jhon Nicolson, with whom she had been in a relationship from 'Andresmes' until Midsummer.[111] As before, she agreed to submit to discipline and was warded in the kirk tower. A clerical note states that she had satisfied for this offence. Almost a year later Watson was again the subject of suspicion, having been named in a confession by a Jhon Stevinson, who admitted that she had been in his house 'ane day and ane nycht.'[112] Watson's

[108] *Perth*, 166.

[109] *Perth*, 166, 296.

[110] *Perth*, 85.

[111] 'Andresmes' – the feast of St Andrew held on 30 November, so the length of time was about six months.

[112] *Perth*, 256. 13 May, 1583.

mother also confessed that she had been the one who had conveyed Watson to and from Stevinson's house. Watson was warded again and mention is made of a daughter. An entry in the session register on the same day indicates that Watson's daughter had been illegally baptised by the reader of Weems parish, William Cragy, with the father named as James Merschell.

As evidenced from the above brief history, Watson was clearly well known to the session. Prior to 25 January 1585 Watson appeared to have a pattern of submitting to discipline when caught out; however, this pattern changed. On the said date, the session register records another of Watson's offences: she had been found guilty of committing adultery with James Merschell, the father of her daughter as noted above. The session agreed that the minister, John Hewson, was to admonish Watson prior to proceeding to excommunication.[113] Despite a surprising twist to the tale, the King's intervention on Watson's behalf, the session were ready to begin the process of excommunication which was pronounced on 11 April 1585.[114]

The record of Watson's excommunication is found in a note written in the session register by John Hewson on the day that the sentence was passed. Given the notoriety of Watson's multiple offences, Hewson's account is meticulous in its detail and highlights both the due diligence of the session concerning procedure as well as Watson's continued impenitence. The account notes that, along with having been found guilty of double adultery, Watson had failed to arrange baptism for the two children born as a result of her relationships. The effects of the plague which had decimated the town's population were also felt in Watson's case. Watson's child had been placed in plague lodgings outside the city walls and, possibly in fear of contracting the disease herself, she had failed to take care of it. The child had subsequently starved and died. The cause of Watson's excommunication, however, was her persistent refusal to make her repentance. Given the detail provided in the note, it is cited here nearly in full. Hewson:

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[113] *Perth*, 257, 296.

[114] Todd refers to a document in the Perth and Kinross County Archives in which a letter from James VI is recorded requesting that the bailies release Watson from the tolbooth. See *Perth*, 304, n.50.

> at the command of the cession thairof excommunicat with the grief, sorow, and dolor of my hairt Margret Watson, symtyme ane member of the said kirk of Perth, for duble adulterie and twa bairns born thairin, quhilk bairns receavit never the sacrament of baptisme, and ane of thame sche sufferit to perisch and starve for hunger in the ludgis infectit with the pest. For thiese causses and also for hir stubburn disobedience to the voic of the kirk efter mony dew admonitionis, especiallie thre oppinlie out of the pulpit, the first the last of Januar, the secund the sevint of Februar, the thrid the fourtein day thairof, being all Sonndayis anno 1585, as also the twntie-fyft of Martche last bypast. Mr William Cok readar in name of the kirk, admonischt the said Margret in the tobbuith of perth befoir Andro Stoup, Duncan Roberston, Jhon Strangbow, and Constantyne Malice, eldaris, witnesses, to satisfie the kirk for hir foirsaid adultery, the quhilk to do sche utterlie refusit, and producit the sentence the ellevint of Appryle thairafter anno 1585 befoir thir witnes at all the thre several sondayis as also at the pronuncing of the sentence ... with the rest of the haill congregation in tyme of pretching and divine service befoir none.[115]

The language of the *Order of Excommunication* is echoed in Hewson's account: in a three-fold litany of sadness, the sentence was passed with 'grief, sorrow and dolour.'[116]

The time scale from initiating to pronouncing the sentence was five weeks and the process is clearly outlined in Hewson's record. This time period would have comprised the Sunday upon which the announcement to proceed with excommunication was made, and the following three Sundays covering the stages involved in the process. It would appear from the date of Watson's excommunication of 11 April that an extra week was granted to her as was the case with Carvor, in the hope of her finally submitting to discipline before it was too late. Two instances of the session enforcing the social separation that accompanied excommunication are found on 8 November 1585 and 10 January 1586. The former names Watson along with other excommunicates who were under suspicion of having been 'entertained' by certain townsfolk. The record states that 'ther interteniers [are] to be warnit and admonischit under the paine of excommunication to put them out of thair companie.' The latter minute admonished Alexander

[115] *Perth*, 305-306.

[116] See Knox, *Excommunication*, 451.

Anderson for harbouring Watson in his house; he was required to eject her 'because sche is excommunicat.'[117]

Watson's reconciliation

As with Carvor, Watson also eventually rejoined the community, but in contrast to Carvor, the account of Watson's reconciliation is brief and contained on one session entry dated 18 April 1586.[118] Watson, like Carvor, continued in her excommunicate state for a year, during which time she was seen in the company of others including Anderson, as noted above. Although the staggering sum of £100 had been set as the fine for defaulting, Anderson agreed to act as Watson's cautioner.[119] The connection between Anderson and Watson is unknown, although Todd speculates that he had 'clearly ... some sort of social obligation for her.'

According to the minute above, Watson was to begin her period of repentance the following Thursday, which was a day of public worship in Perth. Watson was required to:

> be absent fra the seit of repentance unto the tyme the prayers be said afoir preitsching and lykwayis eftir preitsching, and sall continew in hir repentance ay and quhill forder ordor be tane thereuntill.[120]

The instruction concerning the timing of Watson's appearance within worship is in keeping with the regulation laid down in the *Order of Excommunication*. Until she had been reconciled, Watson's absence at this time symbolised her spiritual separation with God; simply, there was no connection. What can be further deduced from the brief minute is where Watson was placed in the service to hear the sermon, namely the stool of repentance in full view of the congregation. The minute gives no indication concerning the overall period that Watson was required to make her satisfaction, however she did eventually complete her repentance. The last reference

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[117] *Perth*, 327-328, 332.

[118] *Perth*, 343.

[119] The record referred to was from 10 January 1586. While the fine was unusually high, it could have been much more serious. A year earlier, at the height of the plague, Helen Watson and David Gray had been executed for adultery – the only instance of capital punishment for adultery recorded in the Perth minutes. See *Perth*, 294-295.

[120] *Perth*, 343, n.45.

to Watson is dated several years later on 22 April 1588 and concerns the proclamation of her banns to George Spittel of Stirling. Had Watson still been underlying discipline, the proclamation of her banns, and her move to Stirling, would not have been possible.

Case 3/ Disciplining the nobility: George Gordon, 1st Marquess of Huntly

George Gordon holds the dubious distinction of having been excommunicated not once, but twice. Fortunately, Gordon also had the good fortune of having the friendship and favour of the king.[121] Gordon's first excommunication, in October 1593, resulted from the slaughter of James Stewart, the 'bonnie' Earl of Moray, in February 1592, and was turned into a major campaign by the Kirk to attack suspected Catholics in the court of James VI. His later excommunication for papistry, in July 1608, was unsurprising given that the event itself was the end-point of a long process begun on 10 November 1602. Further, the first mention of Gordon in the General Assembly records, dated October 1583, is found within a letter written to the King by the Assembly. Gordon is referred to in article 4 of the letter in which the King is chided for having:

> an over great liking for the enemies of God, as well in France, as some within this realm, who have never given testimony of any good intention either in religion or in your majesty's service.

To ensure that James knew exactly who these 'enemies' were, Gordon's name was listed later in the letter.[122] Little detail of the performance of Gordon's initial excommunication is provided and, as such, the focus here will be upon the latter act of excommunication. Specifically, attention will be paid to the long process that eventually led to Gordon's second excommunication, noting the Herculean efforts of the Kirk to avoid this outcome.

On 10 November 1602, the General Assembly heard a report by George Gledstanes, Bishop of Caithness, which concerned a commission given to him by the previous

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[121] Gordon's refusal to participate in the Ruthven raid of 1582 and his open support of the king stood him in good stead; he in turn was later supported and given protection by James.

[122] *APGA 2*, 745, 748.

Assembly. Gledstanes had been tasked to spend a quarter or half a year with Gordon so:

> that, by his travails and labours, the said noble lord and his family might be informed in the word of truth presently professed within this realm, and the enemies thereof debarred from his company.[123]

It had not gone well. Gledstanes managed to remain in Gordon's company a grand total of three days before Gordon had been called away by the King to resolve a feud with the 3rd Earl of Moray. At the Assembly the following day, William Scott, minister of Kennoway, was called upon to do what Gledstanes could not. Scott was:

> to enter into their company and families, there to remain still with them for the space of three months continually; during which time your principal care shall be, by public doctrine, by the reading and the interpretation of the scriptures ordinarily at their tables, and by conference on all appropriate occasions, to instruct them on all the grounds of true religion and godliness ... take pains to catechise their families ordinarily every day, once or twice at least ... press to have their houses purged of all persons living inordinately ... especially such as are of suspect religion ... travail to have their kirks planted with sufficient provision of stipends, and well qualified persons.[124]

He was also to ensure that the Marquess Huntly employed a resident pastor, that is, a private chaplain.

No further mention is made of this particular endeavour, but it would appear to have met with little success. Mention is made of the potential excommunication of Gordon by the synods of Aberdeen and Moray in a letter from the King to the Privy Council in 25 September 1604, forbidding them to proceed. Recognising that Gordon had caused difficulties, the King nevertheless had chosen to support him, stating that:

> although the said Marques his behaviour hath not bene such in our service as wee ought to extend any clemency or courtesie towardis him upon his owne deserte, yet, because wee hold that a mater of mere conscience to compelle [...]an to communicate before he finded a stedfast resolution to do it wee cannot finde their resolution [...]able.[125]

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[123] *APGA 2*, 1318–1319.

[124] *APGA 2*, 1323–1325.

[125] *RPC 1.7*, 462.

On 17 January 1605, the Privy Council stayed the process of excommunication, effectively undermining the ecclesiastical authority of the Kirk. Sending letters to both synods the Council charged 'the ministers of the said prebitrie, yit as befoir, to decist and ceis fra all proceiding to excommunicatioun againes the said Marques and his spous.' Accompanying the order was a threat that if they disobeyed, they would be put to the horn. A further letter followed dated 14 February 1605, again ordering them to cease and desist.[126] Evidence that the King was trying to curb the power of the Kirk can be seen in his letter to the Privy Council of 22 March 1605, in which he expressed the desire that those ministers agitating for Gordon's excommunication:

> be contenit within the boundis of moderatioun, and thair unreulie willis not sufferit to rin at randome, bot, quhair you find ony gournd of reasoun, yf your advertisment be missive can worke in thame no goode effecte, you sall, by chargeis of hoirning and all other ordinarie forme of proceding, enforce those ministeris to conforme thame selffis to the particulair instrucionis gevin be us.[127]

Courtesy of the king, Gordon managed a stay of excommunication, but the battle for control of this spiritual sword rumbled on.

On 27 July 1608, the Assembly recorded the excommunication of Gordon.[128] Gordon was named publicly and declared to have been 'long under process and censure of excommunication before the synods of Aberdeen and Moray.' The offences were then recounted; his excommunication was 'in respect of his contumacy, and obdurate superstition of papistry and idolatry.' Noting some details of the long process, the minute observes the many opportunities given by the Kirk to Gordon 'in hope of his lordship's amendment, and turning from idolatry and papistical superstition to the true religioun.' The continued obstinacy of Gordon, in the face of so many attempts by the Kirk to encourage him to reconcile, resulted in a unanimous agreement by the Assembly to pronounce the sentence of excommunication against him.[129]

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[126] *RPC 1.7*, 20.

[127] *RPC 1.7*, 468. Despite overwhelming evidence to the contrary, on 1 April 1605, the King responded to a report that Gordon had denied he was a Protestant by noting that it was something 'whiche we can hardlie believe.' *RPC 1.7*, 469.

[128] As he had not convened it, this was deemed an illegal Assembly by the King.

[129] *APGA 2*, 1418.

Prior to the sentence being enacted, the Assembly was presented a supplication by Thomas Kerr of Hirta, acting on Gordon's behalf. The letter was seen by the Assembly as an attempt to stall for time; it asked for a further opportunity to talk through the matter in person. After due consideration, the Assembly declined and declared Gordon's suggestion 'frivolous.' Gordon further compounded the situation by having signed a letter the month before in which he had agreed, and failed, to communicate 'between the date therof and the 17th of July.' Heartily sick of the matter, the Assembly proceeded to a summary excommunication pronounced by the moderator James Law, Bishop of Orkney. The record declares that the sentence was to be 'intimated in all the kirks within the realm by the ministry the next Sunday immediately after their returning from this assembly.' The commissioners from Aberdeen and Moray were further charged with dispersing the news immediately upon returning home, and warned that they were to 'receive no offers of satisfaction from the said marquis without the special [advice] of his majesty and the Kirk thereto.'[130]

Gordon's first reconciliation: 1597

As noted earlier, Gordon was excommunicated not once, but twice. He was also reconciled twice; in the Church of Scotland in 1596, and in the Church of England in 1616. The focus here concerns his first reconciliation process, as described in the records of the General Assembly. A year after being implicated in the slaughter of the 'bonnie' Earl of Moray in 1592 and being the subject of international intrigue through the 'Spanish Blanks' affair, Gordon was excommunicated by the Synod of Fife on 25 September 1593.[131] Offering Gordon an olive branch while simultaneously pacifying the Kirk, the King announced that he would drop the charges brought against Gordon for the letters controversy if Gordon agreed to submit to discipline by 1 February 1594. Gordon refused and spent most of the year in open rebellion, eventually choosing to go into exile in May 1595.

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[130] *APGA 2*, 1418.

[131] A helpful analysis of the 'Spanish Blanks' affair can be found in Ruth Grant, 'The Brig o'Dee Affair, the Sixth Earl Huntly and the Politics of the Counter-Reformation', in *The Reign of James VI*, ed. Julian Goodare and Michael Lynch (Edinburgh: John Donald, 2008), 93–109. Moray's murder was in Donibristle and therefore came under the jurisdiction of the Fife synod.

After spending sixteen months travelling on the continent, Gordon returned to Scotland in October 1596. Evidence of a good marriage can be seen in the letter written on 19 October to Moray presbytery by Henrietta, Gordon's wife. The letter informed the presbytery of Gordon's readiness to underlie discipline and make satisfaction for the death of the Earl of Moray. The reconciliation was not immediate. On 2 March 1597, the General Assembly commissioned 'the ministry of the north to seek resolution with ... Huntly; and if he satisfies them, to absolve him.'[132] At the seventh session of the same Assembly, eleven conditions were drawn up to be used in the process of Gordon's satisfaction. The conditions focused upon a willingness to accept supervised instruction on doctrinal matters and to demonstrate his understanding, participation in worship, adherence to the 'true' faith, and to submit to the discipline of the Kirk.[133]

At the General Assembly on 10 May 1597, representatives from the presbyteries of Moray, Aberdeen, and Mearns gave a report on the 'trial of the obedience' of Gordon and other Catholic lords.[134] Responding positively, they 'testified and declared that they found them obedient and willing to satisfy in all humble manner, and persevering and continuing in their earnest suit for reconciliation with the Kirk.' Working through the set of conditions, it appears that Gordon had agreed to 'acquiesce ... and to fulfil the same' and had done this 'in sign and token.'[135] The

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[132] *APGA 2*, 1052.

[133] He was to 'make his constant and ordinary residence in Aberdeen, that he may be instructed by the hearing of the word, and ordinary conference, during the time appointed for the same'; to be 'well informed with knowledge to affirmatively concescend on the principal grounds of religion ... and that he be able to give a reason for his knowledge in some measure'; to 'be brought to a plain acknowledging of the Kirk within this country, and profess himself joined to the same, as one obedient member thereof, and be content to hear the word, participate in the sacraments, and obey the discipline of the Kirk'; to promise 'by word and written bond' to remove Jesuits and excommunicates from his house, his company, and 'the whole bounds under his power'; to swear and subscribe to the Confession of Faith in the presence of all the commissioners; 'to satisfy the kirk of Aberdeen, in most humble manner, for his apostasy, and there renew the aforesaid promises and bands'; to 'declare his grief and repentance' over his killing of Moray, and make an assignment to the violated party – reiterating his grief and repentance at the time of public satisfaction; to stop feuding with any who have pursued him on behalf of the king; to provide sufficient stipends of his kirks; to 'acknowledge his faults, for which he was [justly] excommunicated'; and to 'have an ordinary minister continually resident in his own house.' *APGA 2*, 1058–1059.

[134] Unless otherwise referenced, the account cited is from *APGA 2*, 1080-1086. Also 'on trial' were William Douglas, Earl of Angus and Francis Hay, Earl of Erroll.

[135] The agreement had been made in front of witnesses including George Gledstanes, who would later be commissioned to spend time living with Gordon to bring him back to the 'true' faith.

minute records that Gordon had already fulfilled the first condition, having met with commissioners in Aberdeen. After discussion, they had caused him to:

> confess affirmatively the whole grounds of religion; resolved his doubts by the word of God; and moved him to refuse and detest all the heads of papistry contrary to the same.

It is further stated that Gordon acknowledged 'the reformed Kirk of Scotland to be the true Kirk,' was willing to 'swear and subscribe to the Confession of Faith,' he had refrained from keeping company with papists, and was 'content to satisfy for his apostasy in the place appointed.' A declaration of sorrow and grief for his part in the slaughter of the Earl of Moray had also been made.

Alongside the usual ritual to receive excommunicates, the Assembly inserted several additional elements to Gordon's performance. Prior to the absolution, Gordon was to ratify the promises he had made 'in a most solemn manner,' and to 'ask God mercy for the Earl of Moray's slaughter, and declare his penitence for the same.' The Assembly minute concludes by noting that subject to 'the accomplishment of the premisses' the commissioners were empowered 'to absolve the said earls from the sentence of excommunication, and receive them again into the bosom of the kirk.' The terms were seemingly satisfactorily accomplished; Gordon was received back into the Kirk by Aberdeen and Moray presbytery on 26 June 1597.

As with the situation centuries earlier with the 'Wolf' of Badenoch, Gordon's status as a powerful magnate meant that his case was both a high-profile and highly political affair.[136] The Kirk saw in Gordon a superb propaganda opportunity both in its struggle against high-ranking Catholics within the court, and in its struggle with the King for control of its own affairs. Given this, the long and hard battle to encourage Gordon away from 'idolatry' and bring him to the 'true' religion was deemed time well spent for the 'advancement of God's glory and his true religion within this realm.'[137] A Lord, whether Protestant or Catholic, had the power to influence policy. At the point in which Gordon's later excommunication took place, the King's determined move to the more easily controlled episcopal form of church

[136] Section One, Chapter One, 59, n.131.

[137] *APGA 2*, 1322.

governance was nearing its goal. In a final twist of the Gordon case, although the Kirk eventually succeeded in excommunicating Gordon, it felt the sting of an episcopal slap from afar; Gordon was eventually absolved by George Abbot, Archbishop of Canterbury, in 1616.

Case 4/ Ministerial misconduct: Paul Methven, adultery

Paul Methven was an important first-generation reformer as well as a close friend of Knox; his 'fall' was therefore a serious blow to the Protestant cause. He first appears in the minutes of the General Assembly on 29 June 1562, in which he is listed as one of the attendees to the 'convention' and described as the minister of Jedburgh. One of the matters discussed concerned the examination and discipline of ministers. While all were subject to discipline, the record observed that in behavioural matters ministers should lead by example, 'because the lives of ministers ought to be such as others may be provoked thereby to godliness.' The Assembly agreed that 'if any be accused or convicted of any notable crime, he must be subject to the censure of the Kirk, and suffer punishment and admonition.'[138]

Ironically, within months Methven found himself on the receiving end of the very process he had been involved in strengthening. At session four of the General Assembly on 25 December 1562, John Knox was commissioned:

> to go to Jedburgh and to take trial on 3rd January next to come, of the slander raised against Paul Methven, late minister of the said burgh; and after trial, to report to the session or consistory of the kirk of Edinburgh, to whom, with the superintendent of Lothian, the assembly gives power to decern and pronounce sentence.[139]

Knox reported to the following Assembly held in Perth on 25 June 1563. Methven had been accused of committing adultery with his servant. As asked, Knox had travelled to Jedburgh in January and, upon investigating the matter with elders and deacons, he found 'the said Paul to have committed the said abominable crime of adultery.' Taking 'advice of the kirk of Edinburgh' and John Spottiswood, the superintendant of Lothian, Knox 'removed him from all ministry, and also

[138] *APGA 1*, 18.

[139] *APGA 1*, 35.

excommunicated him.'[140] No detail of the process of excommunication was provided, but the focus of interest in this particular case is the meandering reconciliation process.

Initial signs appeared positive. On the same day that Knox made his report to the Assembly on the Methven case, Methven made an approach to the minister of Dunfermline, David Fergusson. Speaking before the Assembly on Methven's behalf, Fergusson stated:

> that he had spoken to Paul Methven, lately excommunicated, whom he had found very sorrowful for his grievous offence committed by him ... and also such repentance for the same, that he would underlie whatever punishment the Kirk of God would lay upon him, even if it were to lose any member of his body, to satisfy the same.

The speech highlights the all important penitential requirements – contrition and a willingness to comply. The Assembly was of a mind to speak with the lords of the Privy Council and give Methven a 'comfortable' answer.[141]

Initiating the stages of reconciliation, however, would take some time. Methven's case reappears in the records of the Assembly some eighteen months later, on 27 December 1564. Clearly Methven had not at this point been admitted to repentance, although no reason is given at this point for the long delay. According to the record, a supplication had been presented in which 'divers petitions' had been made on Methven's behalf urging the Assembly to allow him to make his repentance. The Assembly was unanimous in its decision to allow him to proceed, 'declaring evident signs of unfeigned repentance' in Methven and noting that he was 'willing to obey such injunctions as the Kirk shall be pleased to appoint him to do and fulfil.'[142]

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[140] *APGA 1*, 39. Recounting the experience, Knox observed that 'the trial and examination of that crime was difficult.' John Knox, *John Knox's History of the Reformation in Scotland*, ed. William Croft Dickinson, vol. 1 (London, 1949), 66.

[141] *APGA 1*, 40.

[142] *APGA 1*, 76.

Although Methven had demonstrated his willingness to make his repentance, he had attached certain conditions. Made in absentia, his initial request that the offence be expunged from the Assembly record was refused. The Assembly, noting Methven was in good company, cited the example of King David to explain its decision, observing that David 'did not eschew to write his own offence to God's glory and his own confusion.'[143] Methven also made a request to be reinstated to ministry. This, too, was refused 'until such time as the memory of his former impiety be more deeply buried, and some notable kirks within this realm make earnest request for his new acceptance.'[144] Along with these conditions, the minute provides the reason why Methven had not been able to make his repentance or his request in person; in his unreconciled state, he had been ministering down in England.[145] This behaviour had 'grievously offended' the Assembly, who, nevertheless, declared that he could return to Scotland in safety.[146]

The lengthy path towards Methven's repentance grew even longer. On 26 June 1566 Methven made a personal appearance before the Assembly, 'making a long rehearsal of his miserable state; ... of the long and tedious journey out of England to Scotland, and impediments he risked on the way.'[147] He further propositioned the Assembly, asking them to suspend his excommunication for a period of time and:

> receive him into the fellowship of the same, as a poor sheep, on one condition, wherever he chances to be, on half a year's warning, he shall be bound to return again at the command of the Kirk, and obey such injunctions as they would command him to do.

An alternative suggestion was also provided by Methven: this involved a retrial of his case and his assurance of obedience whatever the outcome.

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[143] *APGA 1*, 104, 76.

[144] *APGA 1*, 76.

[145] Methven had previously spent time in England in the 1550's 'to leirne letteris and to preach godis word' and while living there had married an Englishwoman. See Robert Lindsay, *The Historie and Cronicles of Scotland from the Slauchter of King James the First to the Ane Thousande Fyve Hundreith Thrie Scoir Fyftein Zeir*, ed. A. E. J. G. Mackay, vol. 2, Scottish Text Society Publications 43 (Edinburgh: Scottish Text Society, 1899), 136.

[146] This referred to the recent Act of Parliament which had made adultery a capital offence. *RPS*, A1563/6/10. Date accessed: 15 July, 2012.

[147] Unless otherwise referenced, the following account is taken from *APGA 1*, 103-105.

Upon answering the request of the Assembly to appear before them, Methven's performance of contrition was remarkable. Seemingly overcome with remorse Methven:

> prostrated himself before the whole brethren, with weeping and howling; and commanded to rise, could not express further his request, being, as it appeared, so sorely troubled with anguish of heart, was desired to be of good comfort, and to depart to his lodging, until order were taken anent his request.

Noting their earlier decision to allow Methven to make his satisfaction in 1564, the Assembly appointed a committee to meet and decide how this would be performed. As both John Spottiswood and the Edinburgh Kirk Session had been involved in the case from the beginning, they were also to be informed. Further, Methven was charged to obey, and the deliberations of the committee were given to a scribe to record in the General Assembly acts 'for a remembrance to posterity.' If Methven had entertained any idea of making a further request for his offence to be expunged, this pre-emptive strike from the committee laid the matter to rest.

The committee reported back to the Assembly the following day, 27 June, and set out the terms for Methven's repentance process. At the next act of public worship in the Edinburgh kirk, the minister, John Craig, was to give notice to the congregation of Methven's supplication and of the Assembly's decision to allow him to be received into fellowship after the sermon.[148] The congregation were also informed that a period of eight days would follow in which they were invited to inform the session of any potential impediments to Methven's repentance. Information regarding Methven's behaviour during his absence in England was of particular interest, and the congregation were asked:

> if any of them has any knowledge, or is surely informed of the said Paul's conversation and behaviour since his departure forth from this realm, which might impede his being received to repentance.

Instructions were also given in detail concerning the manner in which Methven would perform his repentance during worship. Wishing to bring to an end what had become a long-running saga, Methven was given the minimum limit of making three public appearances during worship. The process was even

[148] At this point in time, Knox was in Ayrshire.

further fast-tracked. Eschewing the Sunday service for all of these appearances, the committee decided that Methven could fulfil his obligation on the two preaching days between Sundays and make his final appearance on the following Sunday to be received into the community.

Choreography and costume were then focused upon. Methven was to appear at the kirk door at the second bell wearing the humblest of penitential garments, sackcloth, to which were added further symbols of shame – he was to be bare-headed and barefoot. Required to remain at the door until the time of the sermon, Methven was then to be brought in to the church building by the elders and 'placed in the public spectacle above the people in the time of every sermon during the said two days.' This was to be repeated on the Sunday morning. At the end of the sermon Methven was to 'declare signs of his inward repentance to the people' before 'humbly requiring the Kirk's forgiveness.' No instruction is given for the minister to ask the congregation if they were satisfied. Once Methven had done as instructed, he was to 'be clad in his own apparel, and received into the society of the kirk, as a lively member thereof.' Although the process was designed for speed, Methven was required to give encore performances in both Dundee and Jedburgh.

Methven's reception back into the community came with the condition attached that he would still be excluded from ministry and 'any function of the ministry of the Kirk, and also from participation at the table of the Lord Jesus, until 25th December.' The given date was that of the next meeting of the General Assembly. At that point, Methven was to appear at the Assembly 'bringing with him sufficient testimonials from authentic persons of those places where he, in the meantime, shall chance to remain, reporting his conversation and behaviour.' Subject to a positive account in the testimonials, the Assembly were then prepared to consider the question of Methven re-entering the ministry. The conditions set for Methven's reception back into the church could not have been more favourable, yet despite the willingness of the Assembly to see the Methven affair come to a happy close, this was not to be. Apart from the unsettled political state of affairs caused by the last months of Mary's reign, the cost of doing penance in three locations without a salary

would also have created difficulties for Methven. He left Edinburgh without making satisfaction and returned to England. He resumed ministerial duties outwith the piercing eye of the Kirk, remarried, and became a naturalised Englishman in 1570.[149]

Denouement

Minister, saddler, magnate, and a pair of 'loose' women: a handful of case studies that serve to demonstrate that, regardless of status, all were expected to submit to the discipline of the Kirk and all could be excommunicated. Guidelines for behaviour, and scripts to redeem misbehaviour, were provided at the highest level of the Kirk courts to assist in the reformation of religion and society. As can be seen in several of the above case studies, the Kirk worked hard to avoid the ultimate sanction of excommunication; in a sense, as James Kirk observes, 'excommunication, as the final ecclesiastical sanction, is a measure of the church's failures, not its successes.'[150] Again, it is important to note that the act of excommunication was not intended to be final and absolute; rather, its purpose was to ensure that an offender would be moved to reflection and repentance. Excommunication was concerned with healing the 'sin-sick soul'; it was a process of radical surgery designed to save, not destroy, the offender. Echoing with the past, excommunication was a type of curing by contraries; the act of exclusion could, paradoxically, bring about inclusion.[151] The overall purpose of excommunication was to effect the reconciliation of the offender with God, and the godly community, to effect an ordered, harmonious community reflecting the kingdom of heaven on earth. If all could be excommunicated, all could be reconciled, and in each of the examples given in the case studies above, with the exception of Methven, reconciliation of some kind was achieved.

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[149] James Kirk, 'Methven, Paul (*d.* in or before 1607)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004. [http://www.oxforddnb.com/view/article/18629, accessed 15 January 2013].

[150] *Stirling Presbytery*, xxxvii–xxxviii.

[151] John Cassian, *The Monastic Institutes*, Jerome Bertram trans., London: St Austin Press, 1999.

Conclusion/

'Inflamme our hearts with such a zeale and feruencie towardes thy glorie'

> Inflame our hearts with such a zeal and fervency towards Thy glory, that all the days of our life our only study, travail, and labour may be to serve and worship Thee our God in spirit, in truth and in verity, as Thou requirest of us. And that this may be the better performed in us, preserve us from all impediments and stays that in anywise may hinder or stop us in the same; but in special, O Lord, preserve us from the craft of Satan, from the snares of the world, and from the naughty lusts and affections of the flesh.[1]

The ongoing conversation between sin and goodness in Scotland during the years 1560-1610 was articulated within a nascent covenantal context that would eventually find full expression in the Covenanting period of the seventeenth century. This conversation reflected the concerns of a community that self-identified as the new Israel. Echoing the desire expressed in the *Scots Confession* to cleave, serve, worship, and trust God, the prayer above demonstrates that the requirement laid upon God's new chosen people was nothing less than total, lifelong commitment.[2] This call to full and faithful service was conducted within a perceived context of spiritual warfare, in an ongoing struggle against those powers and principalities that threatened to overcome goodness with evil. Within the language of the above prayer, both the earthly and spiritual dimensions were acknowledged through supplication; God was asked to preserve his people from both natural and supernatural snares.

Joined to God in a bond of service and friendship, the faithful community were called to be the whole people of God. Wholeness was seen individually within a unity of body, mind and spirit that bore the fruit which came from living at peace with God and neighbour. Corporately, the demonstration of wholeness was seen in harmonious unity; as all inclined to God, good and godly order followed like the oil flowing from Aaron's beard.[3] Further, as each member was reconciled to God and to neighbour, so the whole community was better equipped and enabled to serve God

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[1] The extract from the *BCO* is taken from a prayer of confession, suggested for use in worship immediately prior to the sermon. *BCO*, 86.

[2] See Section Three, Chapter Six, 143.

[3] See Psalm 133 in the Prelude to Section Two, 70.

without impediment. Fully 'possessed' by the Spirit of God, the new Israel was called to glorify God by being a community of reconciliation.

Through the godly order brought about by reconciled relationships, the faithful community glorified God by modelling what it believed to be the authentic expression of the church. This authenticity was seen in three marks. The first mark was the true preaching of the Word, equipping and strengthening the godly in their daily task of serving God, whilst encouraging the ungodly to repent and be reconciled. The right administration of the signs of reconciliation, the sacraments of baptism and the Lord's Supper, was a second mark of a 'true' church, emphasising the body of Christ. Baptism brought reconciliation with God through the remission of original sin, and was the entry-point into the godly community. Those who were reconciled to God were able, with their spiritual kin, to access the Lord's Supper in which God's reconciling of Godself to humanity in Christ was remembered in bread and wine. The symbolism of unity represented within the act of eating together was a powerful metaphor of divine and earthly reconciliation, and a foretaste of the heavenly banquet. Underpinning these first two marks, the establishment and maintenance of ecclesiastical discipline as the 'sinews' holding together the body promoted piety, prevented disorder and disharmony, and preserved purity – of the sacraments and of the godly community.[4] This third mark also provided the mechanism through which those who had succumbed to the 'naughtie lusts and affections of the flesh' could repent, and reconcile with God and neighbour.

This study examines the sphere of the last of these three marks of church authenticity, ecclesiastical discipline. While acknowledging the excellent work that has already been undertaken within this area, the prevailing approach within the field has viewed discipline through a judicial lens, examining it in isolation from its wider context within the worship of the community of the faithful. Viewed outwith the context of the worshipping community, this compartmentalist approach has created an impression that the primary purpose of ecclesiastical discipline was as a means of social control. Although good and godly order was a visible demonstration of the 'true' church, it is the contention of this thesis that social control was an effect of, not the central reason for, discipline. As such, a different approach was chosen to act as

[4] See Section Two, Chapter Three, 83-84.

a corrective to this impression, and to recover the primary motivation of discipline. Placing the drama of discipline back within the central defining act of the faithful community, worship, the study instead took a liturgical approach. Through an analysis of the drama of discipline, the primary purpose of this thesis has been to investigate the narrative being recounted within the liturgical expression of discipline as performed in Protestant rituals of repentance. In those churches with functioning kirk sessions during the period of this study, the story being enacted through the performance of discipline on at least a weekly basis was one of reconciliation to God and neighbour, creating harmony in both the heavenly and earthly realms as an outworking of the covenantal relationship.

This focus upon reconciliation was not a departure from the historical understanding of the purpose of discipline, but rather a reshaping and reforming of it. As such, a consideration of ritual continuity within the liturgical expression of discipline was the secondary thread of investigation woven throughout the study. Historians such as James Kirk have, quite rightly, observed both continuity and change in this sphere; however, the focus thus far has primarily been on discussions concerning those areas of *change* which occurred post-1560.[5] Here again, this thesis has sought to bring more balance to the ongoing discussion concerning continuity and change. While acknowledging that changes were indeed effected, the emphasis here has been to observe *continuities* of practice.

Acting as a staging-point from which to address both questions throughout the overall work, Section One located itself in Scotland prior to the establishment of Protestantism in July 1560. The liturgical expression of ecclesiastical discipline was found within the sacrament of penance, which acted as a gateway through which to access the Mass. The underlying context of and necessity for reconciliation was observed through a discussion and examination of the variety of rituals provided within the sacrament of penance. Reconciled to God and with neighbour, an absolved offender could share in the symbolic banquet which symbolised God, in Christ, reconciling all to himself on the cross.

[5] See Introduction, 6.

Utilising Archbishop Hamilton's *Catechism*, an assessment of the manner in which penance was performed was undertaken. A variety of options were available on the penitential menu: when placed in the hands of a skilled confessor, these options were designed to help the penitent effect genuine repentance, and assist the penitent on their journey of faith. The performance of penance in diverse ways and in diverse locations, with the added element of monetary alternatives, contributed to the creation of a complex, multi-layered, disciplinary drama that was effectively dispersed in nature, and in some cases, hidden.[6] Even so, through the utilisation of an array of varied primary sources, a picture emerged of ritual practices and performance: of costumes worn, and gestures and choreography employed, and of props and scripted speeches used. This set a base-line from which to make comparisons of ritual continuity of practice after 1560 among Protestants.

Casting their eyes upon the penitential menu provided, those of a Reformed inclination viewed the array of options before them as more a hindrance than a help to the penitent: the complexity on offer created a sense of clutter, and a confusion of purpose. Section Two therefore addressed the Protestant attempt to create a 'decluttered', or more streamlined, approach to the performance of discipline. Attention was also given to the movement of the drama to centre-stage – either in the semi-public arena of the session, or in face of the congregation within worship. Although the sacrament of penance was 'jettisoned,' to use Kirk's term, the performance of ecclesiastical discipline within a liturgical context continued.

The thread of continuity was picked up by examining overarching themes. Although the theological and jurisdictional frameworks had changed, the three-stage process of contrition, confession and satisfaction still led to absolution, which was now administered by the whole people of God within communal worship after the sermon. Through the examination of records detailing costumes, gestures, props, gestures and speech patterns, a surprising amount of ritual continuity was demonstrated. Further continuity was shown in that the primary narrative being recounted within the liturgical expression of ecclesiastical discipline remained one of reconciliation to God and neighbour. Reflecting this theme of reconciliation, the latter chapters of Section Two discussed the role of the Kirk in dispute mediation,

[6] Included here were those more private penitential practices of prayer and fasting.

examining both verbal and physical conflict settlement. Contrary to a later children's rhyme, in a status-conscious culture being called names had the power to cause more damage than sticks and stones. It was therefore necessary to restore reputations that had been damaged by the power of the spoken word. In an example of continuity with the past, the Kirk embraced and expanded the use of a reconciling ritual which was specifically designed for verbal conflict and which was unique to Scotland. In instances where disputes escalated from the verbal to the physically violent, the Kirk continued to pursue a policy of restoring godly order through attempting to restore neighbourly relations. While the practice of bloodfeud eventually declined in the early part of the seventeenth century, the success of the Kirk when mediating bloodfeud is more difficult to determine due to wider political and social factors at play. Nevertheless, the Kirk's attempts at reconciling neighbours evidenced a basic principle regarding Scottish Protestant identity: the godly community as an ordered and harmonious community. To live at peace with God and neighbour was to witness to a watching world that they were the 'true' church.

The identification of Scotland as the new Israel, bound in covenantal relationship with God, made its impact felt upon corporate rituals of reconciliation and was the focus of Section Three. With a providential view of God, and in response to danger and disaster, corporate demonstrations of ritual repentance were made to ameliorate what were perceived to be the obvious signs of God's displeasure; the act of corporate repentance reconciled the community to God and restored God's blessing. An analysis of the officially sanctioned liturgy, the *Order of the General Fast*, was therefore undertaken, in which an overview of the 'octave' of fasting was considered. Alongside this, the various liturgical components that comprised each of the services prescribed during the time set aside for corporate penance was examined. The practical outworking of this authorised liturgy at the local level was explored through the use of a sampling of kirk session records, but particular attention was paid to Perth due to a catalogue of disasters endured by its unfortunate inhabitants over a period of twenty-six years.

Section Four, the last component of this work, turned its attention to those who had been expelled from the godly community through excommunication. Echoing Section Three, a written liturgical order produced by the General Assembly was examined, the *Order of Excommunication and of Public Repentance*. Through a

liturgical analysis of the *Order of Excommunication*, and by the use of selected case studies, it was demonstrated that far from being intended to exclude an offender permanently, excommunication was chiefly designed as the ultimate tool of reconciliation. The prevailing sense of reconciliation underlying the act of excommunication was seen through the use of medical metaphors, such as the term 'the uttermost remedie': excommunication acted as preventative medicine.[7]

The removal of the offender from the midst of the faithful preserved the community's purity and prevented sinful infection. On the offender's part, the separation of being cast from the community was seen by those imparting this form of discipline as a space in which the offender would be encouraged to reflect upon the serious nature of their stubbornness. Upon contemplation of the potential implications of remaining in an unreconciled state, namely the horrors of hell and eternal separation from God, it was hoped that the offender would be moved to make their repentance and reconcile with God and the community. As a working document of liturgical disciplinary practice the *Order of Excommunication* gave, proportionally, more space to addressing repentance and reconciliation than to the subject of excommunication. This highly significant fact demonstrated again the underlying primary principle of ecclesiastical discipline: it was a tool to effect reconciliation. Although the ritual of excommunication itself changed significantly after 1560, remarkable continuity of practice was seen in the rituals employed to receive an excommunicate back into the godly community. Further, far from being a tool to ensure permanent exclusion from God and the community of heaven on earth, the ritual of excommunication was intended to be radical soul-saving surgery, designed to reconcile an offender with both God and neighbour.

The study of ecclesiastical discipline within early modern Scotland has primarily adopted a judicial approach and, further, removed discipline from its worship context, as has been previously noted. This isolation created the impression that the underlying motive for discipline was for the purposes of social control. Only within the last ten years have attempts been made to examine ecclesiastical discipline in a different manner. Todd's chapter 'Performing Repentance', in her book *The Culture*

[7] Knox, *Excommunication*, 455.

of Protestantism in Early Modern Scotland, has done much to encourage fresh avenues of exploration to be embarked upon within the disciplinary field.

This thesis, by moving the ongoing conversation between sin and goodness along the liturgical disciplinary path, and by addressing continuities of ritual practice, has further sought to broaden the disciplinary discussion. This has been done in two ways. First, the work has brought together for the first time two major authorised Scottish liturgies designed specifically for disciplinary purposes, *The Order of the General Fast* and *The Order of Excommunication and of Public Repentance*. No other study has, as yet, provided a liturgical commentary and analysis of either of these documents. Second, an attempt has been made to gather together the various existing studies which have begun to travel down this little-trod ritual performance path in Scottish ecclesiastical discipline.[8] The chief reason behind bringing together these different studies in the one work was for ease of reference for future studies to continue along this liturgical strand of discipline.

At this point, this thesis is the largest single study discussing the liturgical expression of ecclesiastical discipline in Scotland. The aim has been to provide a wider, rather than specifically detailed, viewpoint; as such, there is scope for further study. Two areas immediately suggest themselves and concern the authorised liturgies referred to above. Apart from an essay providing an excellent textual analysis of the *Fast* by Ian Hazlett, and the chapter in this work analysing it liturgically, this order of worship has been surprisingly under-examined. A comparative analysis of the English and Scottish orders for fasting could be undertaken, along with an examination of the influence of these two liturgies upon Reformed churches outwith the British Isles, and particularly the New World. Another useful line of enquiry could be explored by taking an expanded view of Protestant fasting in Scotland, widening the chronology to determine how long this practice remained a feature of corporate discipline. Incorporated into this, an analysis of dates and durations, locations, frequency, and reasons given for fasting could provide helpful information concerning factors relating to its demise, as well as on matters such as how it was employed in the Covenanting period, how it was adapted and used in Communion seasons, and how it was used in 'revival'-style meetings. A study tracing any discernible alterations to

[8] As noted in the Introduction to the thesis, these include the work of Todd, Ewan, and Dawson.

the officially prescribed liturgy over this longer time-frame would also help to widen our knowledge in this area, as would a discussion concerning regional variations in ritual practice and possible reasons for such differences. Further work could be undertaken analysing how closely calls to fast did, or did not, reflect local and wider regional events; would the records throw up seemingly surprising omissions, and why might this be the case? A discussion that addressed the affect that corporate fasting had upon communities might also prove fruitful: was this a disciplinary tool that united or divided neighbours and, at the wider level, the nation?

Concerning the *Order of Excommunication*, similar questions to the above remain unexplored and, widening the chronology, a longer view of the practice could be considered. The compilation of a data base built up of all known cases of excommunication from the sixteenth century up to and including the last known case in Scotland could provide a useful first step from which to examine possible patterns concerning frequency and regional variations of practice, as well as the reconciliation 'success' rate. Given the criticism within the *Order of Excommunication* concerning apparent abuses of excommunication prior to the Reformation in Scotland, a study encompassing this longer view might analyse just how successful, or not, later generations of Protestants were in avoiding those same abuses.

By changing the lens through which to examine the performance of ecclesiastical discipline, from the judicial to the liturgical, this study has sought to bring the primary motivations underlying the performance of discipline into sharper focus. As has been demonstrated, when kept within the context of worship – the central act that bound the godly community together – the purpose of discipline became plain: its primary function was to reconcile at both divine and human levels. The move by reformers to place the drama of discipline centre-stage within worship, along with the 'decluttering' of the space within which this drama was performed, enabled the creation of a simplified, unified narrative. Further 'decluttering' occurred through the reduction of penitential performance options. This more streamlined performance aimed to emphasise in a clearer manner to both performers and audience alike the message of reconciliation. Although decrying the practices of the pre-Reformation church in Scotland, the reforming of discipline incorporated familiar components, such as costume, props, and speech formulas. Drawing upon and pulling together some of the disparate parts of pre-Reformation practice

produced a ritual continuity which gave legitimacy to the new religious regime, enabled communal solidarity and affirmed communal identity, provided potent symbols of Protestant power, and provided a means to inspire people to good and godly living. For a people chosen and called to be a holy nation, to proclaim to the world, in word and action, their obedience to God, the necessity for ecclesiastical discipline demonstrated the tensions of both being citizens of heaven and living in the temporal world. In the long-running conversation between sin and goodness, the narrative articulated by Scottish Protestants within the reshaped, but not entirely new, drama of discipline, was a reconciling performance – a recounting of the covenantal relationship of God and the community of the faithful.

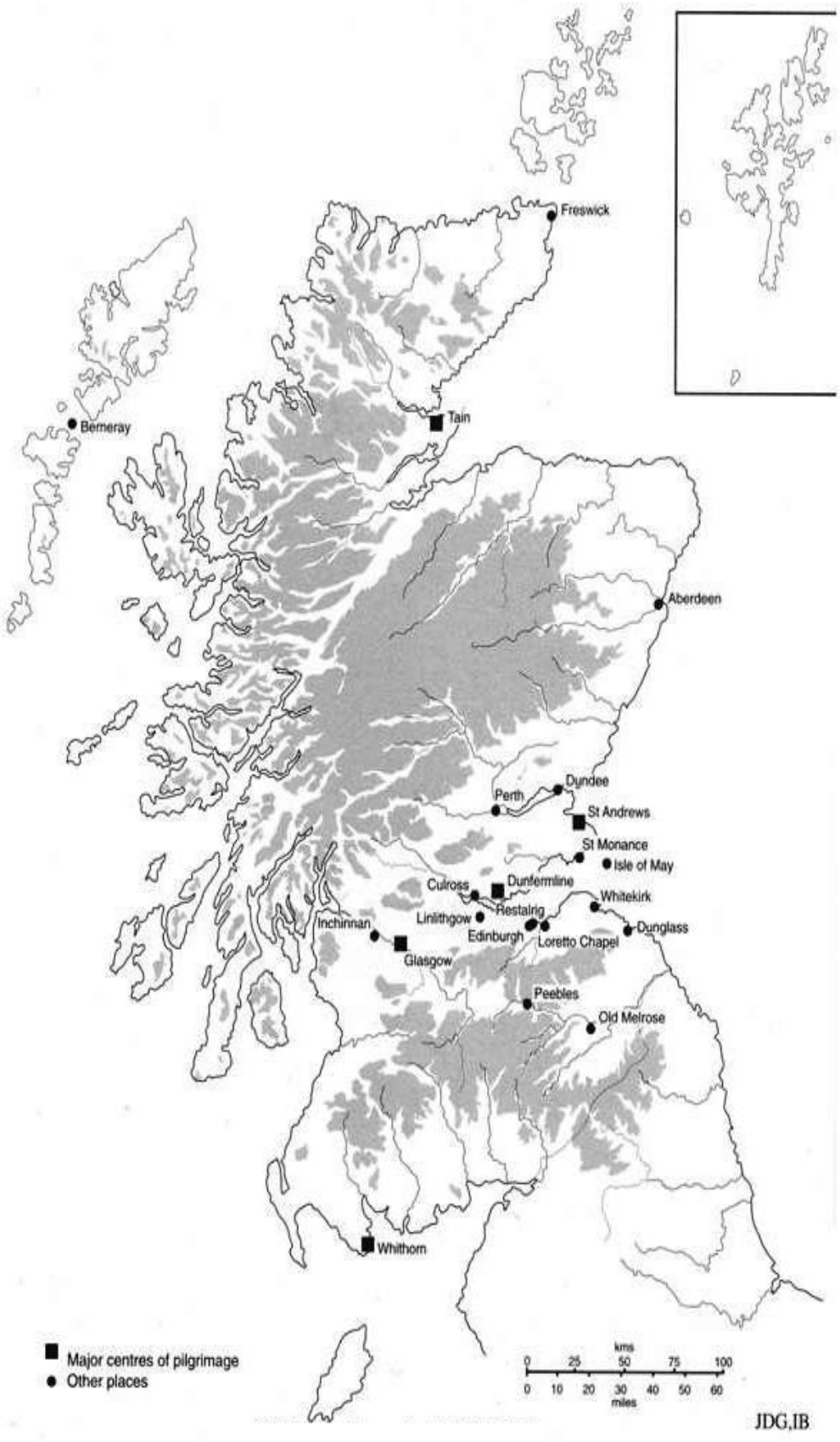
APPENDIX 1/ Extant ecclesiastical court records 1559 - 1611

Before 1580:	**Before 1600 and after**	**Before 1611**
KS St Andrews 1559 -1600	PR Stirling 1581	KS Burntisland 1602
KS Aberdeen St Nicholas 1562-3, 1568, 1573-8	PR Dalkeith 1582	PR Deer 1602
KS Canongate 1564-1567	KS Elgin 1584	KS Dunbarney 1602
KS Monifieth 1562-1620 [not a continuous run]	PR St Andrews 1585	KS Dundonald 1602
KS Edinburgh Gen Kirk 1574-5	PR Edinburgh 1586	PR Paisley 1602
KS Anstruther Wester 1577-1601	PR Haddington 1587	KS Ellon 1603
KS Perth St John's 1577-1586	SY Lothian/Tweed 1589	KS Crail 1604
GA 1560-1618	PR Glasgow 1592	KS Ayr 1604
	PR Peebles 1596	KS Mid-Calder 1604
	PR Glasgow 1592-1608	KS North Leith 1605
	PR Ellon 1597	KS Kinghorn 1581/1607-10
	KS Edinburgh St Cuthbert's 1597	PR Jedburgh 1607
	KS St Monan's 1597	PR Selkirk 1607
Key:	KS Stirling Holy Rude 1597	KS Innerwick 1608
KS – kirk session	KS South Leith 1597	KS North Berwick 1608
PR – presbytery	PR Aberdeen 1598-1610 [selections only]	SY Fife 1610
SY – synod		
GA – general assembly	PR Aberdeen 1598-1610	PR Linlithgow 1610
printed source		

APPENDIX 2/ Plates illustrating piety and pilgrimage in Late Medieval Scotland

Fig. 1. Book of Hours, Scotland, 15th c. - MS 42, f.079v –Christ as great high priest absolving sins of penitents in purgatory. Kneeling before Christ are the Virgin Mary and St John, interceding on their behalf. Illustration for penitential psalms said during season of lent

Fig. 2 Pilgrimage sites c. 1100 to 1560



APPENDIX 3/ Plates illustrating disciplinary implements and costume post 1560

Fig. 3 Jougs, Duddingston Kirk

Fig. 4 Stool of repentance, Holy Trinity Church, St Andrews.

Fig. 5 Repentance bench, Holy Trinity Church, St Andrews

Fig. 6 Sackcloth penitential gown, stool of repentance, and branks in St Andrews.

APPENDIX 4/ Liturgical tables for the Order of the General Fast

Table 1/Suggested bible readings provided for 'trailer' service:

Joel 1:14 Joel calls the nation to repentance in the face of oncoming calamities.	Sanctify a fast, call a solemn assembly. Gather the elders and all the inhabitants of the land to the house of the Lord your God, and cry out to the Lord.
Jonah 3: 4 – 5 A prophetic call for corporate repentance in order to avert God's wrath.	Jonah began to go into the city, going a day's walk. And he cried out, 'Forty days more, and Nineveh shall be overthrown!' And the people of Nineveh believed God; they proclaimed a fast, and everyone, great and small, put on sackcloth.
Jeremiah 22:1ff A call for Israel to repent or face the wrath of God.	Thus says the Lord: Go down to the house of the king of Judah, and speak there this word, and say: Hear the word of the Lord, O King of Judah sitting on the throne of David—you, and your servants, and your people who enter these gates. Thus says the Lord: Act with justice and righteousness, and deliver from the hand of the oppressor anyone who has been robbed. And do no wrong or violence to the alien, the orphan, and the widow, nor shed innocent blood in this place. For if you will indeed obey this word, then through the gates of this house shall enter kings who sit on the throne of David, riding in chariots and on horses, they, and their servants, and their people. But if you will not heed these words, I swear by myself, says the Lord, that this house shall become a desolation.
Luke 13: 1-5 A call to repent or face the consequences.	At that very time there were some present who told him about the Galileans whose blood Pilate had mingled with their sacrifices. He asked them, 'Do you think that because these Galileans suffered in this way they were worse sinners than all other Galileans? No, I tell you; but unless you repent, you will all perish as they did. Or those eighteen who were killed when the tower of Siloam fell on them—do you think that they were worse offenders than all the others living in Jerusalem? No, I tell you; but unless you repent, you will all perish just as they did.'
Use of other texts.	If the worship leader did not want to utilise the above texts, the type of reading to be used was noted: 'any uther proper place within the Scripture that entreteth of repentance, of public humiliation, of the causes, and of the frutes of the same.'[9]

[9] Knox, *Fast*, 417.

Table 2/ Format for first and last Sunday of the octave of fasting:

'reading from the Law of God'	Ten Commandments
Short prayer	'that God will please to make his Holy word to fructifie amonges us'[10]
Confession	In which a history of the disobedience of God's people is observed.
1st Sunday: Reading from the Law – Deut. 27-28. To be read 'distinctlie.' **Last Sunday** the reading to be Deut. 26	Deut. 27 contains a list of 12 curses that will fall on those who do not follow God's law. Deut. 28 contains a list of blessings given to the obedient, followed by a list of curses: calamities that will occur if God's people are disobedient. Deut. 26 recounts God's deliverance of the people of Israel from the Egyptians and concludes with an exhortation to keep the commandments as the covenanted people of God: 'today you have obtained the Lord's agreement: to be your God; and for you to walk in his ways, to keep his statutes, his commandments, and his ordinances, and to obey him. Today the Lord has obtained your agreement: to be his treasured people, as he promised you, and to keep his commandments; for him to set you high above all nations that he has made, in praise and in fame and in honour; and for you to be a people holy to the Lord your God, as he promised.'
Time of corporate, private examination of conscience.	This to be done silently for no less than 15 minutes.
2nd prayer of confession	Focusing on the just and righteous nature of God, the holiness of God's law and the violation of the law by God's people: 'we have transgressed tye whole law, and have offended thy godly Majestie, in breaking everie precept of the same; and so moste justly may thow poure furth upon us all the plagues that are threatened.'[11]
Lord's Prayer	Said together
Sermon	First section to focus on God's law. Second section to note consequences of following or disobeying the law: blessings or calamity. Third section to emphasise that Christ is the 'end and perfection of the Law,' which is taken from Romans 3.[12]

[10] Knox, *Fast*, 417.

[11] Knox, *Fast*, 419.

[12] Knox, *Fast*, 417.

	The sermon then moves to a practical application: the people are to repent, to remain faithful to God, and to demonstrate their faithfulness by 'frutes of the same.'[13]
1st Sunday: Post-sermon prayer **2nd Sunday:** Post-sermon prayer	Taken from the *Book of Common Order*: 'the Psalme booke, the 46. page thereof, beginning thus: "God Almyghtie and heavenly Father."'[14] Taken from the *Book of Common Order*: 'the Psalme book, the 165 page, beginning, "Eternall and everlasting."'[15]
Psalm 51 sung in full.	One of the seven traditional Penitential psalms, this concerns David's repentance after his adultery with Bathsheba.
Benediction and dismissal	

[13] Knox, *Fast*, 420.

[14] Knox, *Fast*, 420.

[15] Knox, *Fast*, 421.

Table 3/ Instructions for the first and last Sunday afternoon services:

Invocation of God's name	Minister does this publicly and the people are to do the same privately: they are expected to pray. This to be done as for the Sunday morning service for 'a reasonable time.'[16]
1st Sunday: Suggested sermon texts **2nd Sunday:** Suggested sermon texts	Ps. 119 which has as its focus delighting in the law of God. 1 John 1 is suggested as an alternative: "God is light, and into him there is no darcknes." Psalm 78 and Daniel 9. The psalm recounts the historical relationship of the people of Israel with God, noting times of faithfulness and faithlessness. Daniel 9 is apocalyptic in its language, and concerns Daniel's repentance on behalf of a faithless Israel suffering under God's wrath. Daniel fasts and wears sackcloth and ashes.
Post-sermon prayer	No specific direction is given, the text notes: 'the prayer is referred unto the Minister.'[17]
1st Sunday: Psalm 6 **2nd Sunday:** Psalm 80	Psalm 6 is one of the seven traditional penitential psalms and is a psalm of deliverance from a serious illness. It begins: 'O Lord, do not rebuke me in your anger, or discipline me in your wrath. Be gracious to me, O Lord, for I am languishing; O Lord, heal me, for my bones are shaking with terror. My soul also is struck with terror, while you, O Lord—how long?' Psalm 80 – to be read, not sung. The psalm calls for God to restore the fortunes of Israel.
Benediction and dismissal	

[16] Knox, *Fast*, 421.

[17] Knox, *Fast*, 420.

Table 4/ Format of weekly services:

Confession	
Set reading for the day	See Table 5 below
Sermon	
Prayers within worship	Prayers are mentioned but not set out, nor are instructions given for where they are to be placed within the order of service. If following the pattern from Sunday morning services, the prayers would be directly before and after the sermon. Including the initial prayer of confession, that would make 3 sets of prayers for the service. However, if following the pattern for the Sunday afternoon service, there would appear to be only two sets of prayers used: the initial prayer of confession and the post-sermon prayer.
No mention of a blessing or dismissal	An assumption that this would occur as it was a part of the normal pattern of worship.

Table 5/ List of bible readings to be used during the week of fasting:

Monday morning	Ps. 2, 3, 10	Judges 2
Monday afternoon	Ps. 12, 13, 17	Judges 6
Tuesday morning	Ps. 25, 28	Judges 7
Tuesday afternoon	Ps. 36, 40	Judges 4
Wednesday morning	Ps. 14, 55	Judges 19
Wednesday afternoon	Ps. 44, 56	Judges 20
Thursday morning	Ps. 49, 57	Esther 3, 4
Thursday afternoon	Ps. 37	Esther 5, 6, 7
Friday morning	Ps. 59, 61, 64	2 Chron. 20[18]
Friday afternoon	Ps. 69	Isaiah 36
Saturday morning	Ps. 68, 70	Isaiah 37
Saturday afternoon	Ps. 74, 77	Ezra 9, 10

[18] Referred to in the *Fast* as 'Paralip,' an abbreviation of Paralipomenon, the name given to Chronicles in the Septuagint: the Greek version of the Hebrew Bible.

APPENDIX 5/ Liturgical tables for the Order of Excommunication and Public Repentance

Table 6/ Outline of the stages of excommunication:

All actions took place immediately after the sermon.	
First Sunday	Address to the congregation by the minister. Theme: God's mercy. Prayer for the obstinate sinner.
Second Sunday	Question by minister to deacons and elders in front of the congregation if the offender had offered to repent. If no: Address by minister to congregation. Theme: God's vengeance and judgement. Shorter than prior week. Prayer for the obstinate sinner using previous script.
Third Sunday	Question by minister to deacons and elders concerning repentance of offender. If no: Statement by minister to the congregation: offence announced, description given of the disciplinary process up to that point. Question by minister to elders and deacons to confirm that due process had been observed. Question by minister to the congregation: should offender be excommunicated. If yes: Announcement by minister who informed congregation that they would now proceed. Prayer: last opportunity for the offender to repent. Address by minister. Theme: the imminent excommunication. Very brief. Prayer during which the sentence of excommunication was pronounced. Address by minister to congregation: admonishment to avoid the excommunicate, and an encouragement to pray for excommunicate's conversion. Psalm 101 sung. Benediction and dismissal.

Table 7/ Outline of the stages for receiving an excommunicate offender – in capital offender's section:

Capital offenders: **specific form.** Four steps prior to reconciliation and readmission to the community.	1/ Initial request by excommunicate offender.
	2/ Forty day 'trial' period.
	3/ Second petition by excommunicate. Session accept request, allowing excommunicate to make satisfaction; type and length of satisfaction determined. Public announcement by minister.
	4/ Excommunicate performs public satisfaction; minimum of three Sundays.
Ritual reconciliation performed in worship upon completion of allotted time period.	
Elders and excommunicate	Elders usher the excommunicate into the kirk, place in front of pulpit, declare penitent's prescribed period of repentance completed.
Minister	States the offence, reminds excommunicate of God's mercy.
Minister to congregation	Asks congregation if they require excommunicate to undertake further satisfaction. If congregation are content ...
Minister to excommunicate offender, and thereafter, congregation	Absolves excommunicate, urges community to receive the offender.
	Final prayer and thanksgiving.

Table 8/ Outline of the stages for receiving an excommunicate offender– in non-capital offender's section:

General form for offenders:	1/ Excommunicate offender petitions the kirk session; signs of contrition are sought; an account is given of the offender's behaviour since excommunication. If session content, excommunicate permitted to make satisfaction.
1st Sunday	Public announcement by minister to congregation as above.
Mid-week	Meeting of the kirk session as above.
2nd Sunday and thereafter until completion.	Penitent performs the requisite satisfaction –minimum of more than one Sunday.
Ritual reconciliation performed in worship upon completion of allotted time period.	
As with capital -	Elders escort excommunicate into church just before commencement of sermon and give speech of presentation. A request to the minister to examine the excommunicate.
Minister and congregation	Prayers of thanksgiving.
Minister and penitent	Confessional examination of excommunicate.
Minister	Further prayer of thanksgiving with scripted prayer. Longer prayer concerning discipline, noting that all present were sinners reliant upon God's mercy.
Minister to excommunicate offender and congregation	An admonishment to live godly lives.
Minister	Prayer about loosing and binding sins.
Minister to excommunicate	Pronouncement of absolution.
Minister to received offender	Admonishment to live a godly life, penitent called 'brother'.
Minister, elders to excommunicate offender	Embrace as 'brothers'.
Ritual concludes with direction to sing a psalm of thanksgiving.	

Appendix 6/The excommunication and reception of John Biccarton, St Andrews

Table 9/ Process of excommunication:

Date	Action taken
unspecified	Initial 'private' stages of disciplinary process began, unrecorded.
10/05/1564 Wednesday	Biccarton appeared before the session. Refused to comply. Session write request to the magistrates.
24/05/64 Wednesday	Biccarton, under duress of magistrates, still refused to appear. During the fortnight between the session meetings further information came to light: the session learnt of Biccarton's public criticism of the practice of the pre-communion examination before the town council. As this was in the public domain, offence was seen as a cause of scandal. Given this public condemnation of the session Biccarton was asked to meet and discuss the matter: 1. A deacon and elder were appointed to visit Biccarton requesting him to go to session and 'confer wyth tham, brotherly wyth quitenes, anent all contraverseis.'[19] This request was rejected. 2. A further party, with an additional elder, visited Biccarton and made same request. Biccarton refused. 3. The minister then ordered that a public summons was to be made the following Sunday in worship. It was both a request to attend the session, and also an open admonishment. It also made use of the threat of excommunication if Biccarton did not comply.
26/05/64	The summons was signed and sealed.
28/05/64 Sunday	Summons read by George Black during worship, mentioning excommunication for the first time.
31/05/64 Wednesday	Session meeting was held. Biccarton did not attend. Session charged him with contumacy. Session agreed that a second public warning be made during worship the following Sunday.
02/06/64 Friday	The second summons was signed and sealed.
04/06/64 Sunday	Black announced the second summons during worship requesting Biccarton to appear before the session on Wednesday, 7 June.
07/06/64 Wednesday	Biccarton failed to appear. The session decreed that a third, and final, summons was to be made, warning Biccarton of their intent to proceed with excommunication the following Sunday.

[19] *RStAKS I*, 197.

09/06064	Third summons written and signed.
11/06/64 Sunday	Black read summons during worship.
14/06/64 Wednesday	Session meeting: Biccarton failed to appear. Session agreed to begin the formal process of excommunication.
16/06/64 Friday	Extra meeting of session: sentence of excommunication drafted. The minister advised to declare the dangers of excommunication as part of the sermon for Sunday.
18/06/64 Sunday	Minister warned of dangers of excommunication as instructed. Biccarton named publicly and an announcement made that Biccarton was to be given a further eight days to change his mind. Biccarton's friends were encouraged to urge him to repent. Congregation advised to see session by Wednesday if they had any complaints concerning the conduct of the case.
21/06/64 Wednesday	Biccarton given further time to change his mind, as Goodman away in Edinburgh at the General Assembly.
23/06/64 Friday	Sentence of excommunication drawn up, sealed, and then signed by Goodman.
25/06/64 Sunday	Although sentence was to be read out, given minister's absence as noted above, Biccarton had extra time to change his mind.
09/07/64 Sunday	Biccarton excommunicated.

Table 10/ Process of reconciliation: time scale for John Biccarton

7 Feb 1565 Wednesday	Biccarton appeared before the session, humbled himself and acknowledged his offences.
	The session allowed Biccarton to make his public repentance on Sunday 18 February.
11 Feb Sunday	Sunday worship: the minister announced Biccarton's repentance and asked for objections to be given to the session at their next meeting.
14 Feb Wednesday	Session meeting. No objections were noted.
18 Feb Sunday	Biccarton made his public repentance and was reconciled to God and the community.

Table 11/ Process of reconciliation: liturgical order for John Biccarton:

The drama took place during Sunday morning worship after the sermon.	
'cast member'	**Action**
Minister	From pulpit: recounted Biccarton's offences.
Biccarton	Facing congregation: acknowledged offences and promised obedience to the Kirk.
Biccarton	On knees, facing congregation: humbled himself and made a speech asking for God's mercy and congregation's forgiveness.
Minister and Biccarton	Movement from floor to pulpit: Biccarton moved to pulpit where the minister received him by the hand 'where he stands'. From pulpit: minister received Biccarton back into life of church by the hand [shaking of hands].
Biccarton and elders	Biccarton directed to the place where the elders were seated: he was received by them and embraced as a brother.
Minister	From pulpit: prayers of thanksgiving offered as were prayers to encourage Biccarton to remain faithful. These were extemporary – as the minister was moved by the Spirit and the occasion.

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CH2/521/2/28	Perth Kirk Session [1587-1597]
CH2/523/1/13	Burntisland Kirk Session [1602-1667]
CH2/621/1	North Leith Kirk Session [1605-1642]
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